

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

DELPHI CORPORATION, et al.

Debtors.

Chapter 11
Case No. 05-44481 (RDD)
(Jointly Administered)

SUPPLEMENTAL RESPONSE OF
DONNA WILSON, PROOF OF CLAIM NUMBER 12083

Background

The Proof of Claim of Donna Wilson was filed on or about July 28, 2006, for an unsecured, nonpriority claim in the amount of two hundred fifty thousand dollars (\$250,000.00). The claim arises out of a race discrimination lawsuit in state court. Donna Wilson would consent to a remand to state court to determine damages by a jury, subject to a cap on damages in the amount of two hundred fifty thousand dollars (\$250,000.00).

Job Duties & Pertinent Medical Background

This is a race discrimination case. It involves an African-American woman who worked for Delphi Corporation and its predecessor, General Motors Corporation, for 28½ years at times material. It is undisputed that she was **never** previously disciplined. At times material, she was working multiple overtime shifts to put a fourth daughter through college, having paid for three daughters to attend and graduate from college. She was also caring for a very ill father and one grandson.

Donna R. Wilson was hired as an hourly employee by General Motors in September, 1975.

In the early months of 2004, Ms. Wilson was a third shift machine operator working at Plant 6, Department 32-1. During 2003, in addition to shift differential, she worked overtime on a regular basis, averaging sixty to sixty-four (60 to 64) hours per work and earning approximately one hundred fifteen thousand dollars (\$115,000.00) before taxes.

During the fall of 2003, Ms. Wilson was struck by a machine in the right breast. A large bruise developed, which, by early 2004, had evolved into a pus-filled infection. Ms. Wilson began treating for the infection with her family physician. Her medical records have been provided to Defendant and demonstrate that she treated with Dr. Henryk I. Pietrus on February 13, 2004. She was told to return to Dr. Pietrus' care as needed. The condition proved intractable. A second prescription was called in on February 23, 2004. Also, she underwent an ultrasound on her breast and was scheduled for a mammogram. On March 8, 2004, still experiencing sharp pains and heaviness, she called in sick and returned to Dr. Pietrus' care for further treatment. (See Exhibit 1.) Following the appointment, she was sent home and given a return to work slip for March 9, 2004. (See Exhibit 2.)

March 8, 2004, is a date of great significance to this case. It was the first day that Ms. Wilson was scheduled to begin work on the B shift for Plant 6, Department 32-1. It was also the first business day after the former contract foreman of the B Shift, Tommie Gipson, was fired. Mr. Gipson is African-American. Although Ms. Wilson knew Mr. Gipson by sight and had limited contact with him when working overtime, she had never worked for him. In addition, she did not personally like him, dislike him, or have any allegiance to him, because she thought he was an ineffective supervisor.

March 8, 2004, has additional significance. It is the day that all of the rest of the African-

American workers on the B shift called in sick or did not show up for work for various reasons. Hence, of the thirteen workers scheduled, four white workers were present and the nine African-American workers, including Donna Wilson, were absent.

Delphi concluded that an unauthorized work stoppage, or wildcat strike, was occurring involving the African-American workers. Delphi reasoned that the absent workers were protesting the firing of Tommie Gipson. Following six months of discovery, Delphi never provided any evidence to support its conclusion that there was an unauthorized work stoppage. Delphi allegedly conducted an investigation. The "investigation" consisted of Donna Wilson and others being interviewed by a supervisor and her (their) responses to scripted questions were recorded in longhand. (See Exhibit 3.) Donna Wilson denied being involved in an unauthorized work stoppage and denied any knowledge of an unauthorized work stoppage.

Donna Wilson presented her doctor's slip excusing her from work. The doctor's slip was ultimately verified. (See Exhibit 4.) However, it was decided that Donna Wilson was lying and she had participated in the unauthorized work stoppage.

Nothing further was done to investigate the matter. No African-American worker implicated Donna Wilson. No individual with knowledge was identified or has been identified by Delphi. Sam Cozzolino, the UAW representative, and a white male, strongly condemned this personnel action. (See Exhibit 5.) Mr. Cozzolino wrote that Delphi was trying to make an example of the African-American workers without any evidence. During his deposition, Mr. Cozzolino described the investigation as a sham and the discipline imposed as lacking any factual basis. (See Exhibit 6, pp. 8, 11, 12, 14, 18, 19.) His attempts to find out about the factual basis were stonewalled by management. (Id., pp. 12-13.)

The plant manager, Leigh Ochoa, accused Donna Wilson of participating in the racially-based work stoppage. When Ms. Ochoa was deposed, she did not know and could not provide the name of the individual whom she claimed had knowledge of this unauthorized work stoppage. (See Exhibit 7, pp. 34-5.) The only reason for including the plaintiff in this group was that all other African-American workers were absent from work on March 8, 2004, the plaintiff was absent from work on that date, and the plaintiff was African American (Id. pp. 36-7, 43-4.)

The labor relations representative, Rebecca Oster, testified to the same effect. (See Exhibit 8, pp. 10-11.) She knew that all workers disciplined were African-American because she was told so by Ms. Ochoa. (Id. p. 20.) She denied knowing the identity of the individual who was the source of information about an unauthorized work stoppage. (Id. pp. 23-4.) She also stated that it wouldn't have made any difference to her whether the plaintiff was legitimately ill or not. That is because she had decided that the plaintiff was lying about not participating in this illegal work stoppage. (Id. pp. 15-17.)

After Delphi's "investigation," Donna Wilson was suspended for four weeks (reduced to two weeks), removed from her position as a machine operator and placed on the line. She was denied any opportunity for overtime. Also, she was informed that she could not return to work in Plant 6, Department 32-1. Finally, she was placed on probation for six months.

During 2004, Donna Wilson's income was approximately seventy-five thousand dollars (\$75,000.00), approximately thirty thousand dollars (\$30,000.00) less than the previous year. Hence, the economic impact was clear.

Donna Wilson found this incident so upsetting that she sought professional counseling. After 28 ½ years of faithful and discipline-free, if not exemplary, service, Donna Wilson found it

mortifying that management would simply assume that she was lying and treat her as if she were lying without any evidence that she was a participant in this alleged conspiracy. It is undisputed that Rebecca Oster, age 26, had never before even experienced an illegal work stoppage. Nevertheless, she testified that, "in her experience," the plaintiff must have been involved, because all of the other African-Americans were absent from work. When asked if it made any difference to her that the plaintiff might, in fact, have been ill, she stated, "Probably not." It is this type of attitude which the plaintiff found so psychologically disturbing. She testified that she cried repeatedly for months afterwards. She is now taking an anti-depressant medication (Paxil) and continues to receive therapy.

Analysis

This action was brought in state court in Michigan under the Elliott-Larsen Civil Rights Act (ELCRA). The ELCRA prohibits employers from basing employment decisions on race. MCLA 37.2202; MSA 3.548(202). The ELCRA prohibits an agent of an employer from discriminating against persons because of race. *In re Lewis*, 845 F2d 624 (6th Cir, 1988).

Generally, Michigan courts use the "shifting burden" analysis set forth in *McDonnell-Douglas Corp. v Green*, 41 US 792; 93 SCT 1817; 36 LED 2d 668 (1973) in evaluating discrimination claims under the ELCRA. Michigan courts have held that federal precedent, while not binding, is persuasive authority. *Featherly v Teledyne Industries*, 194 Mich App 352, 357-8 (1982) (age discrimination).

There is no dispute that the plaintiff establishes a prima facie case under the *McDonnell Douglas* formula. Delphi does not dispute that the plaintiff is a member of a protected class, that

she was qualified for her position, that she suffered an adverse employment action, and that she was treated differently than other similarly situated employees. Thus, it is undisputed that the plaintiff is an African-American, that she was qualified for her position as a machine operator, that she suffered an adverse employment action including suspension, and that similarly-situated persons who were not in a protected class were treated differently than the plaintiff (off-work slips provided by physicians for medical treatment are honored).

If the plaintiff successfully proves her prima facie case, the burden of production, but not proof, shifts to the employer "to articulate some legitimate, nondiscriminatory reason" for the adverse action. *McDonnell Douglas*, 411 US at 802. If the defendant meets its burden of production, the presumption arising from plaintiff's prima facie case drops away. *St. Mary's Honor Ctr v Hicks*, 509 US 502 (1993). To prevail at that point, the plaintiff must carry the ultimate burden of persuasion by proving by a preponderance of evidence that the defendant intentionally discriminated against her because of membership in the protected class. *United States Postal Service Board of Governors v Aikins*, 460 US 711, 715-716 (1983); *Texas Department of Community Affairs v Burdine*, 450 US 248, 252-256; *McDonnell Douglas*, 411 US 802-805; *Lytle v Malady*, 458 Mich 153, 579 NW 2d 906 (1998). The plaintiff must prove that the reason articulated is a pretext for discrimination. *Hicks*, 509 US 504-516; *Lytle*, 458 Mich 174.

In the instant cause, Delphi claims that Donna Wilson was a member of a conspiracy to participate in an unauthorized strike. Delphi uses syllogistically simple reasoning: All black workers were missing from work on March 8, 2004, in protest over the firing of Tommie Gipson, the shift supervisor; the plaintiff is a black worker who was missing from work on March 8, 2004; the Plaintiff must have been involved in the conspiracy to miss work on March 8, 2004.

However, no evidence of a conspiracy has ever been produced. The plant manager, Leigh Ochoa, was deposed extensively and was asked repeatedly to provide a basis for her conclusion that the plaintiff participated in this unauthorized strike. She stated that she did not know the source of the information that an unauthorized strike was occurring. She identified the labor relations representative, Rebecca Oster, as the source of her information that an unauthorized strike was taking place.

Rebecca Oster denied knowing the individual who was the source of the individual about an unauthorized work stoppage. She testified that the person who would know was the plant manager, Leigh Ochoa.

In effect, Leigh Ochoa and Rebecca Oster have created a miniature “Mr. Tweed’s Ring” to support Delphi’s claim of a conspiracy by the plaintiff and the other African-American workers to conduct an unauthorized work stoppage. However, it is undisputed that absolutely no evidence has ever been produced that there was such conspiracy. Hence, Delphi’s alleged legitimate nondiscriminatory reason is not supported by any evidence, begs the question of the plaintiff’s involvement, and, in short, is false.

More to the point, Delphi has produced no evidence of an unauthorized work stoppage by Donna Wilson. She presented an off-work slip from her physician, Dr. Pietrus. That off-work slip was verified with Dr. Pietrus’ office. She had previously treated for a breast infection. Moreover, Donna Wilson called in sick and received a call in number. She indicated she was taking a sick day. When she returned to work, she presented her off-work slip to management, where it was rejected and she was charged with participating in the illegal work stoppage. It would certainly appear that Donna Wilson was treated differently than all other workers who present off-work slips from their

physicians in order to return to work.

The only reason for rejecting Donna Wilson's return to work slip was because a decision was reached that she was participating in an unauthorized work stoppage by African-American workers. The only common thread linking all of those workers and Donna Wilson is that they are all African-American. Hence, the syllogistic reasoning of Delphi: All African-American workers were missing from work on March 8, 2004; Donna Wilson is an African-American worker missing from work on March 8, 2004; therefore, Donna Wilson must have been missing from work on March 8, 2004, because she was participating in an unauthorized work stoppage (of which Delphi admits to have no evidence).

Pretext may be shown directly or indirectly. *Seay v Tennessee Valley Authority*, 339 F3d 454, 463 (6th Cir, 2003), quoting *Hopson v Daimler Chrysler Corporation*, 306 F3d 427, 434 (6th Cir, 2002). When there is no direct evidence of pretext, a plaintiff may establish pretext indirectly, "by showing that the employer's proffered explanation is unworthy of credence." *Cline v Catholic Diocese of Toledo*, 206 F3d 651, 667 (6th Cir, 2000), quoting *Burdine*, 450 US 256. In *Manzer v Diamond Shamrock Chemicals Co.*, 29 F3d 1078, 1084 (6th Cir, 1994), a framework is described providing for three separate methods to demonstrate pretext indirectly. See *Peters v Lincoln Electric Co.*, 205 F3d 456, 471-472 (6th Cir, 2002); *Gray v Toshiba American Consumer Products, Inc.*, 263 F3d 595, 600 (6th Cir, 2001). To make a submissible case on the credibility of the employer's explanation, the plaintiff is required to show (1) that the proffered reason had no basis in fact; or (2) that it did not actually motivate the challenged conduct; or (3) that it was insufficient to warrant the conduct.

In the instant cause, this case falls squarely under the "first" type of showing. Despite six

months of discovery and countless depositions, no evidence was ever produced by Delphi of any conspiracy relating to a work stoppage. As importantly, no evidence was produced that Donna Wilson participated as a co-conspirator in an unauthorized work stoppage. Hence, there is no basis to sanction Donna Wilson for taking a sick day on March 8, 2004. She was simply implicated because of the color of her skin, because she was absent when all other African-American workers on her particular shift were absent. Her doctor's excuse was ignored. The proffered reason of Delphi is false and a pretext for discrimination.

Damages

Sara Terry-Moton, CSCU, has served as Donna Wilson's therapist over the last 2½ years. She will testify to Donna Wilson's extreme mental distress, shock and outrage over this event and her continuing residuals. (See Exhibit 9.) A unanimous five-figure case evaluation in state court demonstrates that this case is meritorious and has significant settlement value. This is not a "nuisance value" case.

Conclusion

The plaintiff is a woman who tried her best to do her best for her employer. Twenty-eight-and-a half years of trying her best and doing her best proved insufficient for her employer to treat her as an individual and with respect. In the words of Mr. Cozzolino, the union representative, there was not one shred of evidence in support of an illegal work stoppage. None was produced during discovery and none has been produced to date. More importantly, there is absolutely no evidence that Donna Wilson participated in a work stoppage, had knowledge of it, was not sick, or had not

appropriately treated with her family physician for a breast infection. There was no evidence that she did not appropriately notify Delphi of her medical condition or appropriately provide a work slip which was verified. If, as Delphi maintains, it had a legitimate nondiscriminatory reason for taking the action that it did for the alleged striking workers, that begs the question whether Donna Wilson was a participant. Phrased another way, what is the legitimate nondiscriminatory reason for disregarding Donna Wilson's doctor's slip and sanctioning her for taking a sick day? This claimed defense is a mere pretext to justify the warrantless sanctioning of Donna Wilson based on the color of her skin.

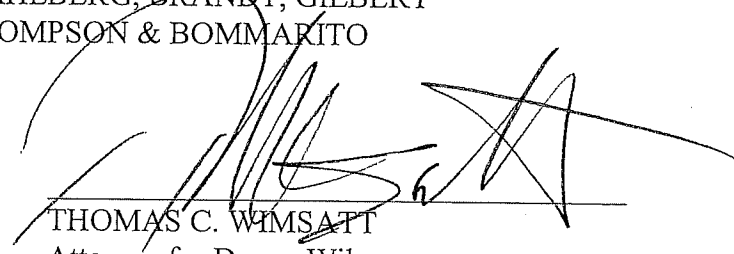
This is a claim that should be heard by a jury. Like most civil rights claims, it is fact-sensitive. There is no smoking gun. Numerous depositions were taken over six months. Properly presented, it will involve the testimony of a family physician, a psychiatrist and a certified social worker who has functioned as Ms. Wilson's therapist for the last 2½ years. As a result, Donna Wilson would consent to a remand of this case to state court to determine damages by a jury, subject to a cap on damages in the amount of two hundred fifty thousand dollars (\$250,000.00).

Respectfully submitted,

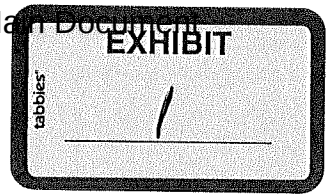
MAHLBERG, BRANDT, GILBERT
THOMPSON & BOMMARITO

January 17, 2007

By:



THOMAS C. WIMSATT
Attorney for Donna Wilson



HENRYK C. PIETRUS, M.D.
PROGRESS NOTES

Patient name Donna Wilson Birthdate 9-23-55
FEB 13 2004 - Return - Having pain again in
R Breast -

02-13-04

Donna Wilson

- S: Donna was seen today complaining of having pain in her right breast. She has had this in the past. She also stated that she had some discharge from the nipple. She denies any injury at this time and she denies fever.
- O: Blood pressure is 148/88. Pulse is 82. Temperature is 96.5. Weight 268 pounds. On examination of her right breast there are no masses and no cysts palpable; however, with pressure to the nipple I was able to obtain a greenish-yellowish discharge. Cultures were taken.
- A: Mastitis.
- P: The patient received a prescription for Keflex 500 mg 1 tablet p.o. t.i.d. and she will called with the report of her cultures. If it is not better she needs to call.

Henryk C. Pietrus, M.D.\vt-eeg t: 02-16-04

2/23/04 pt calling - finished Keflex - still having discharge from
nipple - & any better. What should she do. R & RIA Sport mbr

Ultrasound

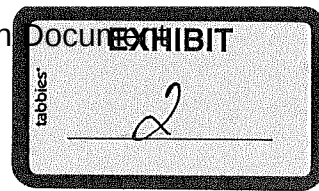
2/23/04 msg x2 left for pt. mbr.
3/4 Message left on answering service to call this office. JHnd L
3/5 Message left to call JHnd L
3-8-04 - No more discharge from nipple but the breast
feels very full & tender - R & H on

03-08-04

Donna Wilson

- S: Donna was seen today complaining of right breast pain, it feels tender. She stated that she had an ultrasound done and they recommended a mammogram and she has already scheduled the mammogram.
- O: Blood pressure is 150/88. Pulse is 82. Weight is 271 pounds. Chest is clear to auscultation. No wheezes or rhonchi appreciated. The right breast reveals no redness, however, she does have some tenderness and fullness, but no specific mass palpated. Chest is clear to auscultation. No wheezes or rhonchi appreciated.
- A: 1. Right breast pain.
2. Hypertension.
- P: The patient is scheduled for a mammogram, will be off of work 03-08-04, and received a prescription for Augmentin XR 1000 mg 1 tablet p.o. b.i.d.

Henryk C. Pietrus, M.D.\vt-eeg t: 03-09-04



Henryk C. Pietrus, M.D. Pg 14 of 60

6940 Dixie Hwy
Bridgeport, MI 48722
989-746-0933 Fax: 989-746-5070

CERTIFICATE TO RETURN TO WORK/SCHOOL:

Name: Donna Wilson

was under my care from 03-08-04 to 03-08-04

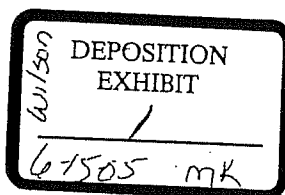
Return to work/school on 03-09-04

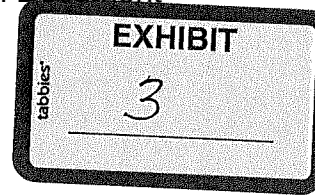
REMARKS/LIMITATIONS: Q

[Signature]

Dr. Pietrus H. M.D.

Date: 03-08-04







Paragraph 76(a)-Interview

Date: 3/9/04

Time: 5:54 pm

Advisor: B. E. [unclear]

Diana Wilson, this is a Paragraph 76(a) interview per the N/A. This interview is for the purpose of allowing you to give information, provide clarification and present answers to questions in regards to your potential violation of Paragraph 117 of the N/A that prohibits "any member of the Union take part in any sitdown, stay in or slow down, in any plant of the corporation or any curtailment of work or restriction of production or interference with production of the corporation." You are being interviewed for your involvement in the actions that occurred in department 32 on the B shift of March 8, 2004 that are in violation of Paragraph 117. These actions may result in discipline or termination of your employment.

Do you understand that the action of conspiring with other employees about not coming into work is a violation of the National Agreement?

I understand but I didn't conspire with anyone.

Why were you not at work on Monday, March 8, 2004?

Sick

Did you call into the system? If yes, what was your call-in #?

Twice - I been there at home

Do you have any documentation for your absence?

yes. What is it? A paper from the doctor.

What other department 32 employees did you talk with about not showing up to work on March 8, 2004?

I didn't talk to anyone about not showing up for work.

We've been told that you've talked with the following employees about not coming to work on Monday March 8, 2004: Murry Culberson, Daniel Clapp, Eva Gross, Marcus Brown, Russell Kubik, Linda Johnson, Kareem Vaughn, Bruce Simmons, Kenneth Williams, Guy Wonch, Stanley Waters, and Eugene Jones.

*That is a complete lie. I don't even talk to Dan or Guy.
Jesus Christ!*

Why would someone tell us that you and other department 32 employees talked about not coming to work on Monday March 8, 2004?

I don't know what is going on. I have been sick for the last three months under doctors care. I'm not part of this. I don't even talk to Guy. Even not about

Why did employees in your department decide not to come into work on March 8, 2004?

I don't know anything about anyone else, just me.

Did your absence have anything to do with the separation of Tommie Gipson from his employment at Delphi?

I don't give a damn about Tommie, why do I care about Tommie, I don't even know Tommie.

Did you speak with Murry Culberson Friday March 5, 2004 about not coming to work on Monday March 8, 2004?

No I didn't.

Did you speak with Murry Culberson Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

On Saturday I worked 12 hrs.

Did you speak with Murry Culberson Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

I don't think I seen him on Saturday.

Did you speak with Tommie Gipson Friday March 5, 2004 about not coming to work on Monday March 8, 2004?

No, this is crazy. I didn't speak with anyone.

Did you speak with Tommie Gipson Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Tommie Gipson Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

This is terrible.

Did you speak with Daniel Clapp Friday March 5, 2004 about not coming to work on Monday March 8, 2004?

No I didn't speak with anyone. He told me on

Did you speak with Daniel Clapp Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Saturday that he will see me on Monday.

Did you speak with Daniel Clapp Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Eva Gross Friday March 5, 2004 about not coming to work on Monday March 8, 2004?

No I haven't talk to her in two or three weeks. She

Did you speak with Eva Gross Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

was on filling a hr.

Did you speak with Eva Gross Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Marcus Brown Friday March 5, 2004 about not coming to work on Monday March 8, 2004?

I talk to me one about not coming in.

Did you speak with Marcus Brown Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Marcus Brown Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Stanley Waters Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No, I don't think I seen Stan on Friday.*

Did you speak with Stanley Waters Saturday March 6, 2004 about not coming to work on Monday March 8, 2004? *I don't have Stan's phone # & I didn't speak w. him*

Did you speak with Stanley Waters Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *from on Saturday. No I did not*

Did you speak with Russell Kubik Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No, I do not. I didn't even talk to Russ.*

Did you speak with Russell Kubik Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Russell Kubik Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Eugene Jones Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No I didn't talk to Eugene about not working*

Did you speak with Eugene Jones Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Eugene Jones Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *Yes, I did. No*

Did you speak with Linda Johnson Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No*

Did you speak with Linda Johnson Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Linda Johnson Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *Set on Sun either days. No*

Did you speak with Kareem Vaughn Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No I didn't*

Did you speak with Kareem Vaughn Saturday March 6, 2004 about not coming to work on Monday March 8, 2004? *No*

Did you speak with Kareem Vaughn Sunday March 7, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Bruce Simmons Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No I didn't*

Did you speak with Bruce Simmons Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Bruce Simmons Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *No I didn't.*

Did you speak with Kenneth Williams Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *No I didn't.*

Did you speak with Kenneth Williams Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Kenneth Williams Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *No I didn't.*

Did you speak with Guy Wonch Friday March 5, 2004 about not coming to work on Monday March 8, 2004? *I don't think I seen Guy on Friday. No, I didn't.*

Did you speak with Guy Wonch Saturday March 6, 2004 about not coming to work on Monday March 8, 2004?

Did you speak with Guy Wonch Sunday March 7, 2004 about not coming to work on Monday March 8, 2004? *No, I didn't.*

If they answer negatively to all the above questions: Did you talk with Murry Culberson Sunday, March 7, 2004 about not coming to work on Monday, March 8, 2004?

No I didn't.

Why would Management be told that Department 32 employees talked about not coming into work on March 8, 2004 if it wasn't true?

I don't know I will be honest with you. I have always been by myself.

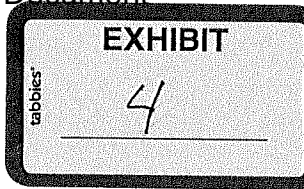
For the record, do you have anything further that you would like to add?

I really want to know why you are messing with me. You call me and make a threat to me I'm sick. I'm not ~~at~~ entitled to get sick. If someone told you that, bring them to me.

Time out: 6:51 pm

Time back: _____

This concludes the questions that we have. We reserve the right to continue this interview if further information pertinent to this case comes available.



Henryk C. Pietrus, M.D.

6940 Dixie Hwy
Bridgeport, MI 48722
989-746-0933 Fax: 989-746-5070

Wilson, Donna F
3-10-07

CERTIFICATE TO RETURN TO WORK/SCHOOL:

Name: Donna Wilson

was under my care from 03-08-04 to 03-08-04

Return to work/school on 03-09-04

REMARKS/LIMITATIONS: Q

Dr. Pietrus H. M.D.

Date: 03-08-04

363.64 4731

(6321 A)

urgent/Referral

11.59. - 0.89. - 10.6

3/10
yes Kelly excused by dr.? yes
Saw dr.? "
with MR? "

Henryk C. Pietrus, M.D.

6940 Dixie Hwy

Bridgeport, MI 48722

989-746-0933 Fax: 989-746-5070

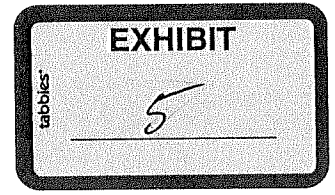
CERTIFICATE TO RETURN TO WORK/SCHOOL:Name: Donna Wilsonwas under my care from 03-08-04 to 03-08-04Return to work/school on 03-09-04REMARKS/LIMITATIONS: QDr. Pietrus H. M.D.Date: 03-08-04

Seen & examined
by dr. on 3/8

3/10/04 Verified Childer (in! Attendance 75644
(unable to work due to medical reason)

EXHIBIT

16





Local 699 Grievance Fact Sheet



SETTLED
3-15-04

PLEASE PRINT

1. Grievant's Name: Donna Wilson 1. Plant: 6 Grievance No.: 56423
2. Social Security No.: 363-64-4731 2. Department: 32 Appeal Case No.: _____
3. Address: _____ 3. Shift: B Umpire Appeal Case: _____
4. Phone No.: _____ 4. Classification: ED02
5. Date: _____ 5. Seniority: _____
Date Grievant Notified of Settlement _____ Which Rep. Notified Grievant _____
When Notified _____
How Notified _____
Shop Committeeperson: Dave Schabel District Committeeperson: Sam Cozzolino

Exact Wording of Grievance: I PROTEST mgt's excessive + unjust Discipline
of 3-9 & 3-10-04. I WAS ILL AND BROUGHT IN Doc. FROM
my Doctor for 3-8-04. Union Demands mgt Return
employee to work, Clear Record, AND pay ALL lost WAGES
including O.T.

Amendments _____
Shop Committee _____
Date Grievance Arose: _____
Date Grievance Was Filed: _____
Grievant's Foreman: _____
General Foreman: _____
Superintendent: _____
Rate of Pay \$ _____ Per Hour _____
Cost of Living Per Hour \$ _____
How Long Has Employee Been In Classification? _____
Has Employee Had Any Disciplinary Action On Record? _____ Yes _____ No If Yes, List As Follows: _____
Rule No.: _____ Date: _____ Extent of Penalty: _____

EXHIBIT

17



Who Is Involved In This Grievance? DONNA WILSON, Mgt, UAW

When Did It Happen? 3-9-04

Where Did It Occur? PL + 6

What Time of Day Did It Happen? 6:38 pm.

Why Is This A Grievance? Mgt HANDING out Discipline w/out ANY proof of wrong doing AND They WANT to make A point.

What Do We Want? RECORD CLEARED, ALL LOST WAGES

Supervisor's Statement? I of the employees told us they had planned 3-8-04. (Rebecca ^{HR} ~~Rebecca~~)

Grievant's Statement: I WAS SICK I WENT TO THE Doc. - I've been working 14 HRS A day. I DID CALL IN.

Your Observations: ① Mgt CANNOT PROOF THERE WAS A CONSPIRACY they have nothing in writing

② these were ALL BLACK people AND I believe mgt WANTED to make A example out of them.

③ ON ANY given day we have 4-8 people missing from A Dept.

④ Met w/ Leigh O. AT step & 1/2. She made offer To settle griev. (see griev) I Told her I would HAVE to TALK to DONNA first

Submitted By Grievance Handler: Sam Byrd

District: 15 Shift: B

DELPHI
☐ Delphi HQ
☐ Energy & Chassis Systems
☐ Harrison Thermal
☐ Interior System
☐ Packard Electric
☒ Saginaw Steering

EMPLOYEE GRIEVANCE FORM		DATE RECEIVED 3-10-04	TIME 32-B	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	PRESENTED <input type="checkbox"/> VERBAL <input checked="" type="checkbox"/> IN WRITING	NUMBER 5642
NAME DONNA WILSON	CLASSIFICATION E002	DEPT./SHIFT 32-B	<input type="checkbox"/> DAY <input checked="" type="checkbox"/> AFT. <input type="checkbox"/> MID.	SOCIAL SECURITY NO. 363-64-4731	BADGE / CLOCK NO.	
GRIEVANCE / CONCERN: I PROTEST mgts EXCESSIVE & UNJUST Discipline of 3-9 & 3-10-04. I WAS ILL AND BROUGHT IN Doc. from my Doctor FOR 3-8-04. UNION Demands mgt Return employee to work, CLEAR Record, AND PAY ALL LOST WAGES INCLUDING O.T.						
EMPLOYEE SIGNATURE Donna R. Wilson		DATE 03-09-04	SUPERVISOR'S SIGNATURE [Signature]		DATE 3-10-04	COMMITTEE PERSON SIGNATURE [Signature]
DISPOSITION BY SUPERVISOR: Based on the 76a interview and the serious nature of the violation the discipline was fair and just.						
SUPERVISOR'S SIGNATURE [Signature]		DATE 3-10-04	ACTION <input type="checkbox"/> SATISFACTORY <input checked="" type="checkbox"/> UNSATISFACTORY	REFERRED NEXT STEP	DATE 3-10-04	RIDER TO FOLLOW <input type="checkbox"/> YES <input type="checkbox"/> NO
DISPOSITION BY HIGHER SUPERVISOR: Management agrees to reduce discipline to BOS+2 weeks Employee is to receive no lost wages. Infraction will be removed from employee's record in 6 months if no further violation of Para 117 occurs. Employee will be assigned to a dept. other than 6321 at management's discretion. This discipline						
HIGHER SUPERVISOR'S SIGNATURE Ladchra		DATE 15 MAR 04	ACTION <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> UNSATISFACTORY	REFERRED Settled	DATE 3-15-04	
DISPOSITION BY SHOP COMMITTEE PERSON: action will not be taken into account when assessing discipline for shop rule violations other than Para 117 violations during the next 6 months						
COMMITTEE PERSON SIGNATURE		DATE	ACTION <input type="checkbox"/> SATISFACTORY <input type="checkbox"/> UNSATISFACTORY	REFERRED	DATE	
DISPOSITION BY MANAGEMENT:						
MANAGEMENT SIGNATURE						
DATE		GRIEVANCE HAS BEEN:		<input type="checkbox"/> SATISFACTORILY SETTLED <input type="checkbox"/> TURNED IN <input type="checkbox"/> REFERRED BACK		
				<input type="checkbox"/> EXTENDED <input type="checkbox"/> WITHDRAWN <input type="checkbox"/> APPEALED		

THE FOLLOWING INFORMATION MUST ACCOMPANY ALL GRIEVANCES APPEALED TO THE BARGAINING COMMITTEE

Have you shown the Supervisor's disposition to the aggrieved? _____ If not, please do and list additional information: _____

What other employees are affected? (Other than the aggrieved): _____

Name any witnesses: _____

(If possible, get individual signed statements from the witnesses)

What has the past practice been in regard to similar violations? _____

Has a violation of this nature been called to the company's attention before? _____

When? _____ What action did the company then take? _____

Did the management make any effort to settle this problem in the oral discussion? _____

Did they make you an offer? _____ Exactly what were they willing to do? _____

Which of the management's statements are true? _____

Which are false? _____

What do you think a reasonable settlement would be? _____

Any other suggestions or comments? _____

NOTE TO GRIEVANCE HANDLER

Use the following pages to complete your written observations, comments, facts and results of your discussion with the grievant, management, and interviews with other witnesses. **REMEMBER:** This grievance committee fact sheet is **NOT** to be shown to any member of management. It is the property of the union and should be kept with the union's records of this grievance. (List anything else that you think would be helpful, even if you have to use additional paper.)

⑤ Talked to Donna 3-12-04 She Accepted offer by Leigh O.

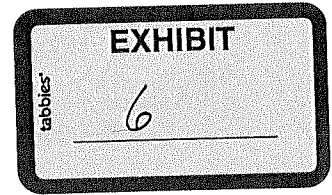
⑥ Settled griev. on 3-15-04

⑦ Called Donna AND told Her she was going to dept. 83. (3-18-04) Donna didn't like assignment

⑧ Talked to Leigh O. 3-19-04 She would not change where Donna was being sent to

⑨ Talked to Donna 3-19-04. She stated she wasn't guilty and settlement made it look as if she was. Wanted to know what she could do.

I told her to come back to work as the griev. was settled and that she could appeal settlement.



SHEET 1 PAGE 1

1

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
3
4 DONNA R. WILSON,
5 Plaintiff,
6 vs. File No. 04-54594-NZ-5
7 DELPHI CORPORATION, HONORABLE LEOPOLD P. BORRELLO
8 Defendant,

9 _____ /
Deposition of SALVATORE COZZOLINO, taken
10 in the above-entitled matter before Stenograph
11 Reporter, Jeanette L. Roberts, CSR-5275, at the
12 Offices of Ripka, Boroski & Associates, One Tuscola
13 Street, Morley Building, Saginaw, Michigan, 48607, on
14 Thursday, June 16, 2005, commencing at about 2:50
15 p.m.

16 APPEARANCES

17 CHAKLOS, JUNGERHELD, HAHN & WASHBURN, PC
BY: THOMAS C. WIMSATT, ESQ. (P31971)
18 5525 Colony Drive N
Saginaw, Michigan 48608
19 (989) 790-0000

20 Appearing on behalf of the Plaintiff.

21 FOSTER, SWIFT, COLLINS & SMITH, PC
BY: WILLIAM R. SCHULZ, ESQ. (P29147)
22 313 South Washington Square
Lansing, Michigan 48933
23 (517) 371-8100

24 Appearing on behalf of the Defendant.

25 ALSO PRESENT:
James Ling, Delphi Representative

DEPO. SALVATORE COZZOLINO

TAKEN: 6-16-05

SHEET 2 PAGE 2		PAGE 4	
2		4	
1	INDEX OF WITNESSES	1	Q. When you were getting college credit at Delta, was
2	NAME PAGE	2	this towards a degree program or was it general
3		3	classes or what?
4	SALVATORE COZZOLINO	4	A. Started off for physician assistant and then I
5		5	switched and went under the apprenticeship program.
6	Examination by Mr. Wimsatt.....3	6	Q. How long ago was that?
7	Examination by Mr. Schulz.....22	7	A. '73 through '79.
8	Further-examination by Mr. Wimsatt.....70	8	Q. For whom do you work, sir?
9	Further-examination by Mr. Schulz.....72	9	A. Saginaw Delphi.
10		10	Q. And what is your job title?
11	EXHIBITS	11	A. Pipefitter.
12		12	Q. Now, on March 8 of 2004, was that your job title?
13	NUMBER PAGE	13	A. It was my job title. I also had the job title as
14		14	district committeeman for district 26, B shift, class
15	Deposition Exhibit Number 17.....9	15	six.
16	Deposition Exhibit Number 18.....9	16	Q. Was your employer Delphi on March 8th of 2004?
17	Deposition Exhibit Number 19.....19	17	A. Yes, it was.
18	Deposition Exhibit Number 20.....19	18	Q. So you weren't -- you're working for the union?
19	Deposition Exhibit Number 21.....20	19	A. As a union steward, a representative I guess.
20	Deposition Exhibit Number 22.....21	20	Q. I'm sorry.
21		21	A. As a union steward or representative, yes.
22		22	Q. But you weren't an employee of the union?
23		23	A. No.
24		24	Q. And as a district committeeman for district 26, B
25		25	shift, Plant 6, what were your duties?
PAGE 3		PAGE 5	
3		5	
1	Saginaw, Michigan	1	A. Represent the contract for UAW.
2	Thursday, June 16, 2005	2	Q. And how do you do that?
3	-o0o-	3	A. That's a good question. Any violations of the
4	SALVATORE COZZOLINO	4	contract by Delphi, it is my job to correct it or
5	CALLED BY THE PLAINTIFF AND SWORN, TESTIFIED:	5	grieve it.
6	EXAMINATION	6	Q. When did you stop being a district committeeman?
7	BY MR. WIMSATT:	7	A. Approximately a month ago.
8	Q. Mr. Cozzolino, my name is Tom Wimsatt, I represent	8	Q. How long were you a district committeeman?
9	Donna Wilson. Do you know Donna Wilson?	9	A. Ten years. Actually, if I can correct that, I was
10	A. Yes, I do. I was her district committeeman.	10	an hourly committeeman, then I became a district
11	Q. You say you were or you are?	11	almost three years ago.
12	A. I was.	12	Q. So total time would be ten years, and three years as
13	Q. Would you state your name and address for the record.	13	a district committeeman?
14	A. Salvatore Cozzolino, 3702 State Street, Saginaw,	14	A. Right.
15	Michigan.	15	Q. Incidentally, have you ever given a deposition
16	Q. And how old are you, sir?	16	before?
17	A. Fifty-three.	17	A. No.
18	Q. What is your educational background?	18	Q. I got so caught up in getting started, I sort of
19	A. Skilled trades, some college.	19	forgot my manners. I'm asking you questions and
20	Q. Have you graduated from high school?	20	everything I ask is being taken down by the court
21	A. GED.	21	reporter to my right. I would request that you
22	Q. And are you from this area?	22	respond to my questions verbally so that the court
23	A. Yes, I am.	23	reporter can get down all of your answers.
24	Q. And then where did you attain college credit?	24	A. Right.
25	A. Delta College.	25	Q. From time to time, you may say uh-huh or uhn-uhn or

SHEET 3 PAGE 6

6

1 nod your head or shake your head. And if you do so,
2 I'm very likely to say, is that a yes. I'm not being
3 rude, I'm just trying to --
4 A. Uh-huh, I understand.
5 Q. If you don't understand a question, say, I don't
6 understand it. It is okay to say I don't know. And
7 I don't want you to guess. Fair enough?
8 A. Fair enough.
9 Q. Do you have any personal knowledge that Donna Wilson
10 engaged in an unauthorized work stoppage?
11 A. No, I do not.
12 Q. How did you become involved in the alleged work
13 stoppage which occurred on March 8th of 2004?
14 A. I was called by Bryan Ehlman, general foreman at the
15 time, that he wanted to do a 76(a) interview on Donna
16 and other employees for missing work the day before,
17 that they considered the work stoppage -- or at the
18 time, I think the word was a wildcat strike.
19 Q. And what did you do when you received that phone call
20 from Mr. Ehlman?
21 A. Besides telling him he is crazy, I did the 76(a)
22 interviews.
23 Q. So you were present when the 76(a) interviews
24 occurred?
25 A. Yes, I was.

PAGE 7

7

1 Q. Did any individual say that Donna Wilson was involved
2 in an unauthorized work stoppage?
3 A. No.
4 Q. Did Donna Wilson admit to being involved?
5 A. No, she did not.
6 Q. You gotta let me finish my question. Did Donna
7 Wilson admit to being involvement in an unauthorized
8 work stoppage?
9 A. No, she did not.
10 Q. Did Donna Wilson inform Mr. Ehlman, in your presence,
11 that she had a doctor's certificate?
12 A. Yes, she did.
13 Q. Did she offer to produce her medical records in your
14 presence?
15 A. She offered the slip.
16 Q. Did she, at any point, offer to produce medical
17 records?
18 A. If I can look at --
19 Q. Sure. What is it that you're looking at?
20 A. Copy of the 76(a) interview. I don't have anything
21 about bringing in the medical records, just that she
22 had been sick for three months.
23 Q. Did Donna Wilson say to you at any point after the
24 76(a) interview that she would make her medical
25 records available?

PAGE 8

8

1 A. Not that I recall, no.
2 Q. Do you recall --
3 A. Not in my presence.
4 Q. Do you recall telling her that they weren't
5 interested in her medical records?
6 A. No, I don't. It may have came up as talking, you
7 know. She may have said something and I said they
8 don't care, as long as you have the slip.
9 Q. Having sat through all the 76(a) interviews, did you
10 reach an opinion that Donna Wilson was involved in an
11 illegal work stoppage?
12 A. No, I did not.
13 Q. Did you reach an opinion that the other workers were
14 involved in an illegal work stoppage?
15 A. No, I did not.
16 Q. What is a plan A?
17 A. Under plan A, employees are required to work nine
18 hours a day for two Sundays a month -- or two Sundays
19 in a row -- excuse me, not Sunday, Saturdays.
20 Q. So it would either be working nine hours a day during
21 a regular workweek, or a Saturday?
22 A. No.
23 Q. But it would be two Saturdays in a row?
24 A. Right. It would be nine hours during the week and
25 two Saturdays.

PAGE 9

9

1 MR. SCHULZ: That is as opposed to or?
2 THE WITNESS: And/or, depending on the
3 company's --
4 Q. (By MR. WIMSATT:) Is -- as a committeeman, would you
5 become involved in a violation of a plan A event by
6 workers?
7 A. A violation of plan A by workers?
8 Q. Yeah.
9 A. Only if management decided to put those people on
10 notice, write them up.
11 Q. So if a plan A were to be called, and if all the
12 white workers in the department determined not to
13 show up on any given Saturday, the only way you would
14 become involved were if management were to do
15 something about that?
16 A. Right.
17 Q. Otherwise, you wouldn't know about it?
18 A. No, I would not.
19 Q. I see you have a file before you. Could I see that
20 file, please.
21 MR. SCHULZ: Tom, when you're done if you
22 could just pass the pages down.
23 (Whereupon a short recess was held.)
24 (Whereupon Deposition Exhibits Numbers 17
25 and 18 were marked for identification.)

DEPO. SALVATORE COZZOLINO

TAKEN: 6-16-05

<p>SHEET 4 PAGE 10</p> <p>10</p> <p>1 Q. (By MR. WIMSATT:) Mr. Cozzolino, I have requested</p> <p>2 the opportunity to look at the file which you</p> <p>3 brought, and you very graciously showed me that file.</p> <p>4 We've marked the contents of the file. Turning first</p> <p>5 to what has been marked as Deposition Exhibit 17,</p> <p>6 that is -- roughly speaking, it is about five pages</p> <p>7 of print that is entitled Local 699 grievance fact</p> <p>8 sheet. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And we don't -- some of the pages are back to back,</p> <p>11 so what we have are individual sheets and you have a</p> <p>12 document that has kind of been stapled together?</p> <p>13 A. Right.</p> <p>14 Q. Page two of that document on my copy begins, who was</p> <p>15 involved in this grievance. And it has Donna Wilson,</p> <p>16 management, UAW. Is this your writing?</p> <p>17 A. Yes, it is.</p> <p>18 Q. And that -- is this your writing throughout this</p> <p>19 particular Exhibit?</p> <p>20 A. Yes, it is.</p> <p>21 Q. Okay. Is this your conclusion when it says -- where</p> <p>22 it says, why is this a grievance, and it -- is this</p> <p>23 your conclusion about why it is a grievance?</p> <p>24 A. Yes, it is.</p> <p>25 MR. SCHULZ: I'm sorry, where are you?</p>	<p>PAGE 12</p> <p>12</p> <p>1 back and present it. They had to have had it</p> <p>2 prewritten before they went in. They had</p> <p>3 predisposition on these.</p> <p>4 Q. So you're saying that they had decided what the</p> <p>5 discipline would be before they conducted the 76(a)</p> <p>6 interview?</p> <p>7 MR. SCHULZ: Objection, foundation. Go</p> <p>8 ahead.</p> <p>9 THE WITNESS: I believe that they had</p> <p>10 these people convicted before they ever talked to</p> <p>11 them.</p> <p>12 Q. (BY MR. WIMSATT:) Right below that -- or two</p> <p>13 questions before that there is a question, supervisor</p> <p>14 statement. What did you write?</p> <p>15 A. One of employees told us they had planned 3/8/04.</p> <p>16 And this was from Rebecca, the labor rep.</p> <p>17 Q. This would be Rebecca Oster?</p> <p>18 A. Yes.</p> <p>19 Q. So she told -- she told you --</p> <p>20 A. She told me.</p> <p>21 Q. -- that one of the employees told us, meaning</p> <p>22 management?</p> <p>23 A. Management.</p> <p>24 Q. Or her?</p> <p>25 A. Told management.</p>
<p>PAGE 11</p> <p>11</p> <p>1 MR. WIMSATT: About one-third of the way</p> <p>2 down on page two.</p> <p>3 Q. (By MR. WIMSATT:) What did you write here?</p> <p>4 A. Management --</p> <p>5 MR. SCHULZ: I'm sorry, I have no idea</p> <p>6 where you are.</p> <p>7 MR. WIMSATT: Right here.</p> <p>8 MR. SCHULZ: I'm sorry. Go ahead,</p> <p>9 witness.</p> <p>10 Q. (By MR. WIMSATT:) Does MGT stand for management?</p> <p>11 A. Yes.</p> <p>12 Q. So you have written -- correct me if I'm wrong --</p> <p>13 management handing out discipline without any proof</p> <p>14 of wrongdoing, and they want to make a point?</p> <p>15 A. Yes.</p> <p>16 Q. What did you mean by that?</p> <p>17 A. At the time that this was written, this was</p> <p>18 happening, management buffaloed and railroaded these</p> <p>19 people through a 76(a) interview and determined that</p> <p>20 they were all suspended, and walked out of the office</p> <p>21 at the end of each interview and within a</p> <p>22 minute-and-a-half or two minutes walked back in with</p> <p>23 a disciplinary paper, and you have 30 days off work.</p> <p>24 It was not enough time to take each case</p> <p>25 individually, go back, fill one of these out and come</p>	<p>PAGE 13</p> <p>13</p> <p>1 Q. That this was a planned work stoppage?</p> <p>2 A. Yes.</p> <p>3 Q. Did she identify who that employee was?</p> <p>4 A. No, she did not.</p> <p>5 Q. Did you ask?</p> <p>6 A. Yes.</p> <p>7 Q. And what did she tell you?</p> <p>8 A. I was told by both her and Leigh Ochoa, which is the</p> <p>9 superintendent for the area, that at that time they</p> <p>10 would not tell me who the person was, but if the</p> <p>11 grievances went farther they would present that</p> <p>12 person to the shop committeeman.</p> <p>13 Q. Have you ever found out who that person was?</p> <p>14 A. No, I have not.</p> <p>15 Q. And has it ever been revealed to you or anyone else</p> <p>16 associated with the union?</p> <p>17 A. No.</p> <p>18 MR. SCHULZ: I'll object to any testimony</p> <p>19 about anyone else. Certainly he can say what he was</p> <p>20 told.</p> <p>21 Q. (By MR. WIMSATT:) Well, to your knowledge?</p> <p>22 A. To my knowledge, no.</p> <p>23 Q. The grievance statement is apparently what Donna</p> <p>24 Wilson said in your presence, that she was sick, she</p> <p>25 went to the doctor --</p>

DEPO. SALVATORE COZZOLINO

TAKEN: 6-16-05

SHEET 5 PAGE 14

14

- 1 A. Yes.
- 2 Q. -- et cetera?
- 3 A. Yes.
- 4 Q. Are these your observations at the bottom of this
- 5 page?
- 6 A. Yes, they are.
- 7 Q. And turning to item number two, you've written, these
- 8 were all black people, and I believe management
- 9 wanted to make an example out of them. Why?
- 10 MR. SCHULZ: Objection, foundation.
- 11 Q. (By MR. WIMSATT:) You can answer.
- 12 A. As stated on number three in this, on any given day
- 13 on any line or any department, there can be six/eight
- 14 people missing for different reasons and nothing is
- 15 said, they are each taken on an individual case.
- 16 Whereas these people, they came to work on Tuesday,
- 17 they took them right off their jobs as a group, put
- 18 them into a room, segregated them from everybody and
- 19 told them to stay there until their 76(a) was done.
- 20 And as they got done, Bryan Ehlman would walk out of
- 21 the office, be gone two minutes, and walk back in
- 22 with a paper all filled out.
- 23 Q. Did you participate in 76(a) interviews involving
- 24 Betty Stange?
- 25 A. No, I did not.

PAGE 15

15

- 1 Q. Because we have -- it would appear that Bryan Ehlman
- 2 conducted only three 76(a) interviews.
- 3 A. Excuse me, yes, Bryan Ehlman did.
- 4 Q. Then Betty Stange took over and conducted the
- 5 balance?
- 6 A. Right. As Bryan Ehlman had -- was going home at that
- 7 time, Betty Stange took over.
- 8 Q. And did you participate -- or were you present for
- 9 the Betty Stange 76(a) interviews?
- 10 A. Yes.
- 11 Q. Did she also complete the interview, walk out and
- 12 return within a minute or two --
- 13 A. Yes.
- 14 Q. -- with the discipline?
- 15 A. Yes.
- 16 Q. Explain to me what you mean in number 4 where it
- 17 says, met with Leigh -- is that Ochoa?
- 18 A. Yes.
- 19 Q. And it says, at step-and-one-half. What does that
- 20 mean?
- 21 A. Step and a half. If you notice on the employee
- 22 grievance form, the first part is the grievance that
- 23 I wrote. The second part, disposition by supervisor,
- 24 was Bryan Ehlman's statement or his disposition on my
- 25 grievance. That is the first step. Step-and-a-half,

PAGE 16

16

- 1 I met with Leigh Ochoa, which is the next step in the
- 2 process.
- 3 Q. And then that grievance is, in fact, the third page
- 4 of this particular Exhibit?
- 5 A. Yes.
- 6 Q. There is nothing written on the fourth page and on
- 7 the fifth page, which is in the nature of the
- 8 supplemental. It continues with the list that you
- 9 started on page 3?
- 10 A. Yes.
- 11 Q. When you talked with Donna Wilson on March 19th --
- 12 this would be number nine -- did you make this note
- 13 immediately after you talked with her?
- 14 A. Yes, I did, probably within five or ten minutes.
- 15 Q. And based upon your information, based upon your
- 16 recollection of that conversation, she indicated that
- 17 she wasn't guilty and the settlement made it look as
- 18 if she were?
- 19 A. Yes.
- 20 Q. So she apparently wanted to know what she could do?
- 21 A. Uh-huh.
- 22 Q. That is a yes?
- 23 A. As far as taking it further.
- 24 Q. That is a yes?
- 25 A. Yes.

PAGE 17

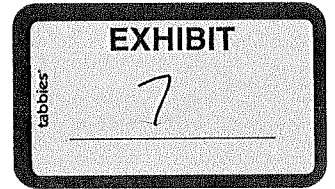
17

- 1 Q. Okay. And -- because you said uh-huh.
- 2 A. Oh, okay.
- 3 Q. And what did you tell her?
- 4 A. I told her at that time that she could appeal my
- 5 settlement with the upper union.
- 6 Q. Was she upset?
- 7 A. She was upset with the department that they were
- 8 sending her to.
- 9 Q. Let me show you what's been marked as Deposition
- 10 Exhibit 18, also from your records. Could you
- 11 identify that for the record, please.
- 12 A. Number 18 is a copy of the suspension of Donna
- 13 Wilson, also a copy of the disciplinary layoff of
- 14 Donna Wilson.
- 15 Q. That would be signed by Rebecca Oster, the second
- 16 one?
- 17 A. The second one, yes.
- 18 Q. And what is the next page?
- 19 A. Next page is employee 72-week history that shows on
- 20 Monday, even though she had a doctor's slip, they
- 21 give her an unacceptable code on Monday, and
- 22 disciplinary action after that.
- 23 Q. And then what is the next page?
- 24 A. Next page is a copy of the grievance that I have and
- 25 the fax sheet.

DEPO. SALVATORE COZZOLINO

TAKEN: 6-16-05

<p>SHEET 6 PAGE 18</p> <p>18</p> <p>1 Q. And then what is the next page?</p> <p>2 A. Next page is a copy of a committeeman call that was</p> <p>3 taken after department -- or Donna came back to the</p> <p>4 plant and was moved to Department 83. Committeeman</p> <p>5 was Steve Lapeak this time.</p> <p>6 Q. So this isn't your writing?</p> <p>7 A. No.</p> <p>8 Q. What is the next page?</p> <p>9 A. Next six pages are the 76(a) interview that Bryan</p> <p>10 Ehlman took on 3/9 with Donna Wilson.</p> <p>11 Q. Were you given a copy of the document that Mr. Ehlman</p> <p>12 was working from?</p> <p>13 A. No, I was -- did not.</p> <p>14 Q. Did you see that he was reading questions from that</p> <p>15 document?</p> <p>16 A. He had some questions in front of him and he</p> <p>17 ad-libbed at times.</p> <p>18 Q. Let me show you what's been previously marked as</p> <p>19 Deposition Exhibit 4. Does that look like the</p> <p>20 document that Mr. Ehlman had in front of him?</p> <p>21 A. Yes, and I believe you will -- the other people were</p> <p>22 in here, they would have had one the same way, all</p> <p>23 typed up like that.</p> <p>24 Q. Is that unusual for 76(a) interviews to be typed up</p> <p>25 like that?</p>	<p>PAGE 20</p> <p>20</p> <p>1 marked as Deposition Exhibit 20, also from your</p> <p>2 file. What is this, sir?</p> <p>3 A. Before --</p> <p>4 MR. SCHULZ: What order should this be</p> <p>5 in, number 20.</p> <p>6 THE WITNESS: I believe Gene was the</p> <p>7 first person I talked to.</p> <p>8 MR. SCHULZ: Thank you.</p> <p>9 THE WITNESS: This is just some notes</p> <p>10 that I made. I talked to each person before the</p> <p>11 76(a) interviews started and asked them why they were</p> <p>12 absent from work and what was going on, and this is</p> <p>13 just a short statement from each one of why they had</p> <p>14 missed work that day.</p> <p>15 Q. (BY MR. WIMSATT:) What did Donna Wilson tell you?</p> <p>16 A. Donna, she was sick, she went to the doctor, she had</p> <p>17 been working 14 hours a day, she had documentation</p> <p>18 for missing work, she still needed lab work on 1/16,</p> <p>19 1:30 p.m. Did call in to work saying she would be</p> <p>20 absent, and do not call her at home as her -- she has</p> <p>21 a sick father.</p> <p>22 (Whereupon Deposition Exhibit Number 21</p> <p>23 was marked for identification.)</p> <p>24 Q. (BY MR. WIMSATT:) Let me show you what's been</p> <p>25 marked as Exhibit Number 21. Can you identify that</p>
<p>PAGE 19</p> <p>19</p> <p>1 A. Yes, it is.</p> <p>2 Q. Do you know who typed this up?</p> <p>3 A. No, I do not.</p> <p>4 Q. How unusual is that?</p> <p>5 A. Very.</p> <p>6 Q. Are most 76(a) interviews conducted without the</p> <p>7 benefit of a sheet like this?</p> <p>8 A. Most sheets for a 76(a) interview will come basically</p> <p>9 a short paragraph stating -- and that would be a</p> <p>10 fill-in, what the violation was, and do the people</p> <p>11 understand what a 76(a) interview is.</p> <p>12 Q. Let me show you the next item, which we're going to</p> <p>13 mark as Exhibit 19.</p> <p>14 (Whereupon Deposition Exhibit Number 19</p> <p>15 was marked for identification.)</p> <p>16 Q. (By MR. WIMSATT:) What is this document, sir?</p> <p>17 A. This is basically a note that I had to myself after I</p> <p>18 talked to Leigh Ochoa, and I tried to reach each one</p> <p>19 of these people at home to call them and let them</p> <p>20 know what was being offered and ask them if --</p> <p>21 whether or not they wanted to accept it or if they</p> <p>22 wanted me to push further with their grievances.</p> <p>23 (Whereupon Deposition Exhibit Number 20</p> <p>24 was marked for identification.)</p> <p>25 Q. (BY MR. WIMSATT:) Okay. Let me show you what's been</p>	<p>PAGE 21</p> <p>21</p> <p>1 for the record, please?</p> <p>2 A. This is from a call with Steve Lapeak.</p> <p>3 Q. This isn't your handwriting?</p> <p>4 A. No.</p> <p>5 Q. And then finally let me show you what's been marked</p> <p>6 as Deposition Exhibit --</p> <p>7 (Whereupon Deposition Exhibit Number 22</p> <p>8 was marked for identification.)</p> <p>9 Q. (By MR. WIMSATT:) Can you identify what has been</p> <p>10 marked as Deposition Exhibit Number 22?</p> <p>11 A. These are notes I made of a talk I had with Donna</p> <p>12 Wilson on 3/26/04 after she was back to work.</p> <p>13 Q. And would it be fair to say that she was agitated</p> <p>14 with the result of the settlement?</p> <p>15 A. In the beginning, talking to her, no, she was calm.</p> <p>16 As we talked, she became more and more agitated,</p> <p>17 upset.</p> <p>18 Q. And as I understand it from -- is this all in your</p> <p>19 writing?</p> <p>20 A. Yes.</p> <p>21 Q. As I understand it, she left the office, and did she</p> <p>22 come back and continue to pursue this issue with you?</p> <p>23 MR. SCHULZ: I'm sorry --</p> <p>24 THE WITNESS: During this time?</p> <p>25 Q. (By MR. WIMSATT:) No, after this time. Eventually</p>



TAKEN: 6-16-05

SHEET 1 PAGE 1

1

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
3
4 DONNA R. WILSON,
5 Plaintiff,
6 vs. File No. 04-54594-NZ-5
7 DELPHI CORPORATION, HONORABLE LEOPOLD P. BORRELLO
8 Defendant,

9 Deposition of LEIGH OCHOA, taken in the
10 above-entitled matter before Stenograph Reporter,
11 Jeanette L. Roberts, CSR-5275, at the Offices of
12 Ripka, Boroski & Associates, One Tuscola Street,
13 Morley Building, Saginaw, Michigan, 48607, on
14 Thursday, June 16, 2005, commencing at about 11:10
15 a.m.

16 APPEARANCES

17 CHAKLOS, JUNGERHELD, HAHN & WASHBURN, PC
18 BY: THOMAS C. WIMSATT, ESQ. (P31971)
19 5525 Colony Drive N
Saginaw, Michigan 48608
(989) 790-0000

20 Appearing on behalf of the Plaintiff.

21 FOSTER, SWIFT, COLLINS & SMITH, PC
22 BY: WILLIAM R. SCHULZ, ESQ. (P29147)
23 313 South Washington Square
Lansing, Michigan 48933
(517) 371-8100

24 Appearing on behalf of the Defendant.

25 ALSO PRESENT:
James Ling, Delphi Representative

DEPO. LEIGH OCHOA

TAKEN: 6-16-05

SHEET 10 PAGE 34

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- 1 him or with Rebecca.
2 Q. In the sense of reviewing what had been written down?
3 A. Uh-huh.
4 Q. That is a yes?
5 A. Yes. I'm sorry.
6 Q. Who drafted the questions that were used on the 76(a)
7 interviews?
8 A. I don't know.
9 Q. Did you review those questions?
10 MR. SCHULZ: You mean before they were
11 used at the 76(a) or when they were answered?
12 Q. (By MR. WIMSATT:) When you looked at the 76(a)
13 interviews, to the extent you looked at them, did you
14 look at the questions?
15 A. Yes.
16 Q. Let me show you what's been marked as Exhibit Number
17 4. Turn to the questions -- is there something that
18 I'm --
19 A. The Diane Wilson showed up again on her 76(a).
20 Q. Actually, it is showing up as Diana Wilson.
21 A. Or Diana.
22 Q. About the 7th question down, it says we've been told
23 that you've talked with the following employees about
24 not coming to work on Monday, March 8. Who told you
25 that Donna Wilson had talked with the following

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- 1 employees about not coming to work?
2 A. No one told me.
3 Q. Do you have any knowledge as to who that was?
4 A. No.
5 Q. Pardon?
6 A. No, I don't.
7 Q. Is there a reason why Murry -- there is a question
8 about whether Donna Wilson talked with Murry
9 Culberson about not coming in to work at the top of
10 page two. And then one of those questions is
11 repeated in the middle of page four. It says, did
12 you talk with Murry Culberson about not coming to
13 work on Monday, March 8th. Is there a reason why the
14 same question is asked twice relating to Murry
15 Culberson?
16 A. I don't know.
17 Q. Right below that question it says, why would
18 management be told the Department 32 employees talked
19 about not coming in to work if it was not true. Who
20 told management that these workers had talked about
21 not coming in to work?
22 A. I don't know.
23 Q. So you have no knowledge about who that informant
24 was?
25 A. I couldn't give you a definite name of a person, no.

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- 1 Q. Now, when Donna Wilson was questioned by Mr. Ehlman,
2 she denied involvement in any illegal work stoppage
3 several times in this interview. And he asked her
4 where she was, and she said she was sick and at a
5 doctor's appointment. When you decided that it was
6 appropriate for her to be suspended, were you aware
7 of her denials?
8 A. Yes.
9 Q. And why is it, then, that you decided to suspend her?
10 A. I need to change that. The suspension -- the initial
11 suspension, I was not aware of --
12 Q. I'm talking about the discipline.
13 A. The discipline, yes, I was aware.
14 Q. So why was it you decided to discipline her anyway?
15 A. Because I believe it was nine out of twelve or
16 thirteen employees chose to not come in to work, it
17 was seventy-five, eighty percent of the department.
18 You know, they -- I agree they did deny that they in
19 any way, shape or form had an agreement that they
20 weren't going to come in to work. To my knowledge,
21 there had been at least one and maybe two
22 employees -- I do not know their names -- who had
23 informed management that they had been approached and
24 told that they were gonna teach me a lesson and not
25 come in to work, for firing Tommie Wilson. And

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- 1 again, never in my career or experience had I had
2 that percentage of the department chose to not come
3 in to work at the same time.
4 Q. And you assumed because she didn't come in to work
5 she was part of the group?
6 A. Correct.
7 Q. And that would be true notwithstanding the fact that
8 she had a doctor's certificate which had been
9 verified?
10 A. I'm sorry.
11 Q. That would be true despite the fact that she had a
12 doctor's certificate that had been verified?
13 MR. SCHULZ: Objection, she hasn't
14 indicated -- this witness hasn't indicated she was
15 aware of the certificate, or verification of the
16 certificate.
17 Q. (By MR. WIMSATT:) Were you aware of a certificate,
18 doctor's certificate?
19 A. I don't know if I was or not. You're talking about
20 the day after when we decided to assess the
21 discipline? I don't know. I don't know if I knew
22 who had slips and who didn't. In fact, I didn't know
23 who didn't have slips. I knew some employees had
24 slips, I knew some did not.
25 Q. Well, if you knew that she had a slip, a doctor's

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1 Q. She may have worked overtime, but she didn't work for
2 him.

3 A. In that capacity, she would have worked for him. I
4 don't know who she reported to during the hours that
5 she worked in that department. No, I don't know
6 that.

7 Q. Would it surprise you if she would have worked for
8 Dan Ridlewski and not Tommie Gipson in those hours
9 when she worked overtime?

10 A. The way our shift structure works -- and I don't know
11 what shift structure she had been on, but the
12 employees -- based on what we talked about with the
13 production in the department, there was a lot of
14 overtime available. And a lot of it -- it was not
15 atypical for an employee to come in four hours early
16 and then work four hours after their shift. So at
17 that point in time the employee really is exposed to
18 all three supervisors that cover three shifts.

19 Q. So because of the fact that you knew she had worked
20 overtime, you decided that she would have known
21 Tommie Gipson, so it was reasonable to believe she
22 was upset when Gipson was fired?

23 A. I never gave it that deep of a thought.

24 Q. What were the other reasons -- other than the fact
25 that nine of the thirteen didn't show up, and in your

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1 mad at me.

2 Q. So your conclusion was because she didn't show up and
3 none of the others didn't show up, that she must be
4 part of the group?

5 A. Correct.

6 Q. And then this is based upon Murry saying, we're upset
7 with you?

8 A. Correct.

9 Q. Any other reasons?

10 A. Nothing I can think of right now.

11 Q. Is this your signature on Deposition Exhibit 6?

12 A. Yes.

13 Q. Did you conduct a further investigation after Bryan
14 Ehlman concluded his investigation?

15 A. No.

16 Q. So any investigation which occurred in connection
17 with this matter as it pertains to Donna Wilson ended
18 when Bryan Ehlman ended his investigation; is that
19 fair?

20 A. To my knowledge.

21 Q. Well, you didn't conduct it further?

22 A. No, I did not.

23 Q. Do you know of anybody else who did?

24 A. Not to my knowledge.

25 Q. Is there somebody lurking out there who might have

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1 experience you said that doesn't happen, what were
2 the other reasons for concluding that Donna Wilson's
3 denials in the 76(a) interview were not to be
4 believed?

5 A. What I said earlier, that Murry had told me -- not
6 only had I heard it from other people, but Murry had
7 told me, we're very upset with you, it was wrong what
8 you did, you shouldn't have let him go, it was wrong.
9 And it was we are very upset. And so if I had heard
10 it before as a rumor, it was in my opinion confirmed
11 when Murry told me, yes, they were very upset with
12 me. So that, contributing to the fact that a lot of
13 people didn't come in to work that night, I concluded
14 that they had chosen not to come in because they were
15 upset.

16 Q. And because Donna Wilson didn't show up, you
17 concluded that she must be one of the group?

18 A. Correct.

19 Q. Did Murry say that -- who the we are?

20 A. No, he did not.

21 Q. Did you have the sense that the we would be the black
22 workers who didn't show up?

23 A. I didn't have the sense that it was the black workers
24 that would not show up. It was just that there were
25 workers that weren't gonna come in because they were

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1 conducted an investigation?

2 A. I don't know.

3 Q. Would it be fair to say that Bryan Ehlman was in
4 charge of the investigation that resulted in the
5 discipline handed out to Donna Wilson?

6 A. I think so, yes.

7 Q. You weren't in charge?

8 A. No.

9 Q. And you were his supervisor?

10 A. Yes.

11 Q. And your supervisor wasn't in charge?

12 A. No.

13 Q. So it would have been Bryan Ehlman?

14 A. Yes.

15 Q. And you don't know who contacted or ordered Cherry
16 Ridler to contact Donna Wilson's physician?

17 A. No.

18 Q. And you don't know what information she received?

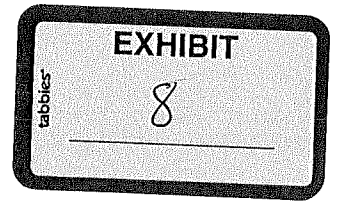
19 A. No.

20 Q. And you don't know to whom she reported any
21 information she derived?

22 A. No.

23 Q. To your knowledge, did any other workers involve
24 Donna Wilson being involved in the work stoppage?

25 MR. SCHULZ: Did they involve her?



DEPO. REBECCA OSTER

TAKEN: 6-16-05

SHEET 1 PAGE 1

1

1 STATE OF MICHIGAN

2 IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW

3

4 DONNA R. WILSON,

5 Plaintiff,

6 vs. File No. 04-54594-NZ-5

HONORABLE LEOPOLD P. BORRELLO

7 DELPHI CORPORATION,

8 Defendant,

9 _____
Deposition of REBECCA OSTER, taken in the

10 above-entitled matter before Stenograph Reporter,

11 Jeanette L. Roberts, CSR-5275, at the Offices of

12 Ripka, Boroski & Associates, One Tuscola Street,

13 Morley Building, Saginaw, Michigan, 48607, on

14 Thursday, June 16, 2005, commencing at about 2:27

15 p.m.

16 APPEARANCES

17 CHAKLOS, JUNGERHELD, HAHN & WASHBURN, PC
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24 Appearing on behalf of the Defendant.

25 ALSO PRESENT:

James Ling, Delphi Representative

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<p>SHEET 4 PAGE 10</p> <p>10</p> <p>1 observed?</p> <p>2 MR. SCHULZ: This being whether</p> <p>3 something –</p> <p>4 MR. WIMSATT: The work stoppage involving</p> <p>5 Donna Wilson.</p> <p>6 MR. SCHULZ: And whether she was involved</p> <p>7 in it?</p> <p>8 THE WITNESS: I would have to say yes.</p> <p>9 Q. (By MR. WIMSATT:) So would it be fair to say you</p> <p>10 have an opinion she was involved in a work stoppage,</p> <p>11 but you don't have any personal knowledge that she</p> <p>12 was involved in a work stoppage?</p> <p>13 A. Yes.</p> <p>14 Q. And your opinion is based upon reviewing the 76(a)</p> <p>15 interviews?</p> <p>16 A. That, and the fact that we had a large group of</p> <p>17 employees that did not come to work on the same day.</p> <p>18 Q. So it was the size of the group and their comments in</p> <p>19 the 76(a) interviews which caused you to believe</p> <p>20 there was an unauthorized work stoppage?</p> <p>21 A. Yes.</p> <p>22 Q. And it was the fact that she was part of the group</p> <p>23 that caused you to believe that she personally was</p> <p>24 involved in this work stoppage?</p> <p>25 A. Yes.</p>	<p>PAGE 12</p> <p>12</p> <p>1 A. She was a party to it as well.</p> <p>2 Q. Was there anybody else in charge of it other than</p> <p>3 yourself and Leigh Ochoa?</p> <p>4 A. No.</p> <p>5 Q. Did you conduct any investigation independent of the</p> <p>6 76(a) interviews? Did you personally conduct any</p> <p>7 investigation independent of the 76(a) interviews?</p> <p>8 A. Personally, no.</p> <p>9 Q. Did you authorize anyone to conduct an investigation</p> <p>10 independent of the 76(a) interviews?</p> <p>11 A. In regards to what specifically?</p> <p>12 Q. In regards to the work stoppage or in regards to</p> <p>13 Donna Wilson's involvement in the work stoppage,</p> <p>14 either?</p> <p>15 A. I guess I would have to say no, without</p> <p>16 understanding --</p> <p>17 MR. SCHULZ: What's that?</p> <p>18 THE WITNESS: I said without any</p> <p>19 additional clarification as to what you're looking</p> <p>20 for.</p> <p>21 Q. (By MR. WIMSATT:) Did you have anybody else do any</p> <p>22 other digging and finding out whether the statements</p> <p>23 in the 76(a) interviews were true and correct?</p> <p>24 A. No.</p> <p>25 Q. Did you ever attempt to verify Donna Wilson's</p>
<p>PAGE 11</p> <p>11</p> <p>1 Q. The she being Donna Wilson?</p> <p>2 A. Yes.</p> <p>3 Q. Did any of the interviews indicate that Donna Wilson</p> <p>4 was involved in the work stoppage?</p> <p>5 A. No.</p> <p>6 Q. Well, I guess, why did you think she was?</p> <p>7 A. She was one of the group of employees that did not</p> <p>8 come, we got the same answers from all employees in</p> <p>9 the interviews.</p> <p>10 Q. And those answers were that the employees denied</p> <p>11 being involved in a work stoppage?</p> <p>12 A. Yes.</p> <p>13 Q. Who was in charge of the investigation?</p> <p>14 A. There is multiple people. Myself, the</p> <p>15 superintendents for the area. You use any resources</p> <p>16 that you need to get the information.</p> <p>17 Q. So it would be your testimony that Leigh Ochoa was</p> <p>18 involved – was in charge of the investigation?</p> <p>19 A. Correct.</p> <p>20 Q. And that you were in charge of the investigation?</p> <p>21 A. Correct.</p> <p>22 Q. What about Bryan Ehlman, was he in charge of the</p> <p>23 investigation?</p> <p>24 A. He was a party to it.</p> <p>25 Q. And what about Betty Stange, was she in charge of it?</p>	<p>PAGE 13</p> <p>13</p> <p>1 statements that she was at a doctor's office?</p> <p>2 A. Yes.</p> <p>3 Q. And how did you do that?</p> <p>4 A. We have an employee who verifies all doctor's notes.</p> <p>5 Q. And that employee would be whom?</p> <p>6 A. Cherry Ridler.</p> <p>7 Q. And she apparently called – she apparently was</p> <p>8 presented with Donna Wilson's doctor's certificate or</p> <p>9 doctor's slip?</p> <p>10 A. That among other ones that would have been submitted.</p> <p>11 Q. Have you seen that doctor's slip?</p> <p>12 A. Yeah, at one time I did.</p> <p>13 Q. Now, when you saw the doctor's slip, was it attached</p> <p>14 to a piece of paper or was it individually, the small</p> <p>15 little slip?</p> <p>16 A. I don't recall.</p> <p>17 Q. Does this look like the slip, if you can remember,</p> <p>18 that you saw?</p> <p>19 A. I don't remember for sure.</p> <p>20 Q. That – what you're looking at has been marked as</p> <p>21 Deposition Exhibit 13, I believe.</p> <p>22 A. Yeah, that is what it says.</p> <p>23 Q. Do you recognize the writing beneath the doctor's</p> <p>24 certificate right there?</p> <p>25 A. Looks similar to Cherry's.</p>

DEPO. REBECCA OSTER

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- 1 Q. And how about this writing to the right, do you
2 recognize that?
3 A. **It looks like Cherry's as well.**
4 Q. So if you -- would you have seen the doctor's
5 certificate with Cherry's writing on it or would you
6 have just seen it before she put any writing on it or
7 near it?
8 A. **Probably after.**
9 Q. So this was marked as Deposition Exhibit 1. This is
10 without any writing whatsoever. You probably -- what
11 would the procedure be, you attached this to -- the
12 doctor's certificate to a piece of paper and then you
13 make notes on it?
14 A. **Typically, the advisor, the people that the hourly
15 people report to, submit the notes to Cherry Ridler,
16 they don't go through me first.**
17 Q. So you wouldn't actually know what the procedure
18 would be, I should find this out from Cherry?
19 A. **Cherry could tell you much more, yes.**
20 Q. Would you have been aware of Cherry Ridler's findings
21 with respect to her investigation before you -- well,
22 let me rephrase that.
23 Did you become aware of Cherry Ridler's
24 findings with respect to that particular doctor's
25 slip?

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15

- 1 A. **Yes.**
2 Q. Okay. And when did you become aware of that?
3 A. **That, I don't recall.**
4 Q. You said that you and Leigh Ochoa were involved in
5 the investigation. Actually, in charge of the
6 investigation. Would you have become aware of the
7 results of Cherry Ridler's investigation before or
8 after discipline was imposed in this particular case?
9 A. **I don't remember.**
10 Q. Would it have made a difference to you?
11 A. **Probably not.**
12 Q. And why is that?
13 A. **Because the majority of the employees submitted
14 doctor's notes.**
15 Q. And does that mean that they were to be ignored
16 because the majority submitted doctor's notes?
17 A. **It was deemed as too convenient for all the employees
18 at one time to attend a doctor.**
19 Q. They didn't all attend the same doctor, did they?
20 A. **I don't recall.**
21 Q. And who deemed it as too convenient?
22 A. **Myself.**
23 Q. When you said it was deemed too convenient, what you
24 meant is that you thought it was too convenient that
25 all these people were going to the doctor on this

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16

- 1 same day?
2 A. **Uh-huh.**
3 Q. Yes?
4 A. **Yes.**
5 Q. And why did you deem it too convenient?
6 A. **It is just too much of a coincidence that you're
7 going to have that many employees in one department
8 on the same exact date go to a doctor and not come to
9 work.**
10 Q. Would it be fair to say that one of the nine
11 employees might actually have gone to the doctor?
12 A. **Yes.**
13 Q. Okay. Did you consider the possibility that one of
14 the nine, in fact, really was sick that day?
15 A. **Not really.**
16 Q. Okay. Why not?
17 A. **It -- we just looked at it as too much of a
18 coincident.**
19 Q. So when you say we, are you saying yourself again?
20 A. **Yes.**
21 Q. Which --
22 A. **When I say we, I always refer to we as management.**
23 Q. So because of the coincidence, then, the -- any
24 individual difference -- for example, somebody really
25 being sick -- wouldn't have made a difference?

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17

- 1 A. **No.**
2 Q. That's a true statement?
3 A. **In my opinion.**
4 Q. It is a true statement?
5 A. **Yes.**
6 MR. SCHULZ: Tom, before you move on, I
7 want to make sure that we have given you all of the
8 -- I want the record to reflect that I've given you
9 doctor's slips for Donna Wilson reportedly provided
10 by Dr. Pietrus, some have markings on, some do not.
11 I see one in my possession now that I'm not certain
12 we've previously given to you. And since I think
13 this witness may have done the writing, I want to
14 address that now, if you don't mind.
15 MR. WIMSATT: Okay.
16 MR. SCHULZ: I'm not certain you have
17 this, so what I want to do is request the court
18 reporter to make me copies of this so we can mark it
19 at this time.
20 (Whereupon Deposition Exhibit Number 16
21 was marked for identification.)
22 MR. SCHULZ: Let the record reflect that I
23 have produced today a document marked Exhibit 16
24 which is a doctor's note provided by Dr. Pietrus, I
25 am told, and there is some handwriting on it. I am

DEPO. REBECCA OSTER

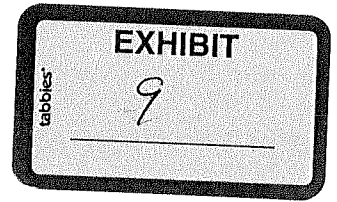
TAKEN: 6-16-05

<p>SHEET 6 PAGE 18</p> <p>18</p> <p>1 uncertain whether I have or have not produced this in 2 the past. I know I have produced a number of 3 doctor's -- or a number of copies of Dr. Pietrus's 4 statement, some with handwriting on them, some not. 5 I am uncertain whether I did this or not. I want to 6 produce it now so that you can -- if I haven't 7 produced it previously and you think it is 8 appropriate to ask questions of this witness about 9 it, that you can do so. But I'm told this is Cherry 10 Ridler's handwriting, and she is yet to appear 11 today. So that being said, I'm done. 12 Q. (By MR. WIMSATT:) Let me direct your attention to 13 what has been marked Deposition Exhibit 16. Can you 14 identify the writing beneath the doctor's slip? 15 A. That looks like Cherry's writing. 16 Q. Did you and Leigh Ochoa agree on the discipline in 17 this particular case? 18 A. Yes. 19 Q. Did you -- how was it that the 30-day suspension came 20 up; did you suggest the 30-day suspension? 21 A. Yes. 22 Q. Or did she? 23 A. I did. 24 Q. Did you derive the 30-day suspension from your own 25 experience or in consultation with your supervisor,</p>	<p>PAGE 20</p> <p>20</p> <p>1 Q. They being the -- 2 A. The employees in the department. 3 Q. And did you know that all of the employees who were 4 out on Monday were black? 5 MR. SCHULZ: Did she know that when? 6 Q. (BY MR. WIMSATT:) When you -- did you know at any 7 time that all the employees who were out on Monday 8 were black? 9 MR. SCHULZ: Even through today, you 10 mean? 11 MR. WIMSATT: Sure. 12 THE WITNESS: I do now. 13 Q. (By MR. WIMSATT:) Did you know it at the time the 14 discipline was imposed? 15 A. Yes. 16 Q. And when did you find out that all the employees who 17 were out of work on March 8 of 2004 were black? 18 A. That day, because Leigh had informed me. 19 Q. So she told you that only the white workers showed up 20 and the black workers did not? 21 A. Correct. 22 Q. And of course you knew that Donna Wilson was black? 23 A. I didn't know. I didn't know the race of any of 24 them. 25 MR. SCHULZ: You didn't know?</p>
<p>PAGE 19</p> <p>19</p> <p>1 Mr. Berg? 2 A. In consultation with my supervisor. 3 Q. That would be Mr. Berg? 4 A. Yes. 5 Q. And Ms. Ochoa went along with the 30 days? 6 A. Yes. 7 Q. And at the time that the 30 days was suggested for 8 purposes of discipline, would you have been aware of 9 the fact that Cherry -- is it Cherry? 10 A. Cherry. 11 Q. -- Cherry Ridler had apparently verified that Donna 12 Wilson had been at her doctor on March 8th? 13 A. I don't remember. 14 Q. Again, would it have made a difference? 15 A. Probably not. 16 Q. And that's because of the number of employees? 17 A. Correct. 18 Q. Did you form an opinion as to why these employees 19 were all out of work on that day? 20 A. I only know from the information I received from 21 Leigh. 22 Q. And what was that information? 23 A. That they had released an African-American male 24 supervisor the Friday before, and they were 25 retaliating for that.</p>	<p>PAGE 21</p> <p>21</p> <p>1 THE WITNESS: I did not know until Leigh 2 told me. 3 Q. (BY MR. WIMSATT:) If I recall, you said that you 4 had Cherry Ridler verify the doctor's certificate? 5 A. Correct. 6 Q. So that was one form of investigation that you 7 authorized. Did you conduct any other investigation? 8 A. I don't recall. 9 Q. Is there any other investigation that you could have 10 conducted? 11 A. I don't think so. 12 Q. So your contribution to the investigation was that 13 you had Cherry Ridler verify the doctor's 14 certificates? 15 A. Correct. 16 Q. And she verified that Donna Wilson was indeed at her 17 doctor's office? 18 A. If that is what the finding was, yes. 19 Q. And do you know what Cherry Ridler's findings were 20 with respect to the other workers? 21 A. I would have received all the information. 22 Q. Did you receive information that one or more of the 23 doctor's certificates of the other workers were 24 fraudulent or false? 25 A. I don't remember.</p>

DEPO. REBECCA OSTER

TAKEN: 6-16-05

<p>SHEET 7 PAGE 22</p> <p>22</p> <p>1 Q. Do you know of anybody else who conducted an</p> <p>2 investigation into this matter other than the 76(a)</p> <p>3 interviews and the investigation that you ordered?</p> <p>4 A. No.</p> <p>5 Q. That means there was no other investigation?</p> <p>6 A. I don't know if there was.</p> <p>7 Q. Do you have a recollection of Donna Wilson's answers</p> <p>8 in connection with her 76(a) interview?</p> <p>9 A. No.</p> <p>10 Q. Let me show you what's been previously marked as</p> <p>11 Deposition Exhibit 4. Would that have -- well, it</p> <p>12 has been pointed out to us by Leigh Ochoa that it</p> <p>13 probably has the wrong name on top, because it says</p> <p>14 Diana Wilson. But I want you to assume for purposes</p> <p>15 of this, these questions, that that is Donna Wilson's</p> <p>16 76(a) interview conducted by Bryan Ehlman. Are you</p> <p>17 able to tell from that 76(a) interview whether or not</p> <p>18 Donna Wilson admitted that she was involved in an</p> <p>19 illegal work stoppage?</p> <p>20 A. Without even having to look at it, I recall that no</p> <p>21 one admitted that they did.</p> <p>22 Q. Are you able to tell from that 76(a) interview that</p> <p>23 Donna Wilson provided a doctor's slip?</p> <p>24 MR. SCHULZ: During the interview, you</p> <p>25 mean?</p> <p>PAGE 23</p> <p>23</p> <p>1 MR. WIMSATT: Yeah.</p> <p>2 MR. SCHULZ: You're asking her whether</p> <p>3 that means she --</p> <p>4 MR. WIMSATT: She said she reviewed this</p> <p>5 and I'm asking her if it appears that Donna Wilson</p> <p>6 stated that she -- gee, I can't read this.</p> <p>7 MR. SCHULZ: It says, do you have any</p> <p>8 documentation for your absence. Yes. It says,</p> <p>9 quote, question, what is it?</p> <p>10 MR. WIMSATT: A paper from the doctor.</p> <p>11 Q. (BY MR. WIMSATT:) Do you see that Donna Wilson has</p> <p>12 indicated that she had a doctor's certificate?</p> <p>13 A. Yes.</p> <p>14 Q. And she apparently provided it, based on what we've</p> <p>15 seen with other documents?</p> <p>16 A. Yes.</p> <p>17 Q. The bottom of the first page of that Exhibit says,</p> <p>18 we've been told that you talked to the following</p> <p>19 employees about not coming to work on Monday. Do you</p> <p>20 know who told the we, meaning management?</p> <p>21 A. No, I do not know.</p> <p>22 Q. Who drafted this 76(a) interview?</p> <p>23 A. Me.</p> <p>24 Q. So this is -- you drafted this, and it says we've</p> <p>25 been told. But who told you?</p>	<p>PAGE 24</p> <p>24</p> <p>1 MR. SCHULZ: She just said --</p> <p>2 THE WITNESS: It says why would someone</p> <p>3 tell us --</p> <p>4 Q. (BY MR. WIMSATT:) Look at the we. It says we've</p> <p>5 been told you talked to the following employees about</p> <p>6 not coming to work on Monday.</p> <p>7 A. Uh-huh.</p> <p>8 Q. That's a yes?</p> <p>9 A. Yes.</p> <p>10 Q. Who told you that she talked with the following</p> <p>11 employees?</p> <p>12 A. That was the way we formed the question.</p> <p>13 Q. So nobody had told you that?</p> <p>14 A. No one had told me that.</p> <p>15 Q. Had anyone told anybody that?</p> <p>16 A. Leigh had informed me that someone had inform her of</p> <p>17 that.</p> <p>18 Q. She didn't give you the name?</p> <p>19 A. If she did, I don't remember.</p> <p>20 Q. So Leigh told you that somebody told her that these</p> <p>21 various workers had talked with the other workers?</p> <p>22 A. Yes.</p> <p>23 Q. But she didn't tell you who it was?</p> <p>24 MR. SCHULZ: She said, if she did, she</p> <p>25 doesn't remember.</p> <p>PAGE 25</p> <p>25</p> <p>1 Q. (BY MR. WIMSATT:) She didn't tell you who it was or</p> <p>2 if you did, you don't remember, that is your</p> <p>3 testimony?</p> <p>4 A. Right. Yes.</p> <p>5 Q. So that was the basis for the next question, which</p> <p>6 was, why would somebody tell us that you and other</p> <p>7 Department 32 members talked about not coming to</p> <p>8 work?</p> <p>9 A. I guess.</p> <p>10 Q. You don't sound really sure about that.</p> <p>11 A. When I draft a 76(a) interview, I ask a lot of</p> <p>12 questions.</p> <p>13 Q. Why did you address Murry Culberson at the top of</p> <p>14 page two and then make another reference to Murry</p> <p>15 Culberson in the middle of page four?</p> <p>16 A. It was a strategy we were trying.</p> <p>17 Q. And what was the nature of the strategy?</p> <p>18 A. Was to find out if he was one who had tried to get</p> <p>19 the group together to do this.</p> <p>20 Q. Okay. So at that point you didn't know that there</p> <p>21 had been an illegal work stoppage?</p> <p>22 A. It was our interpretation that it was.</p> <p>23 Q. But you didn't have any proof of it; is that a fair</p> <p>24 statement?</p> <p>25 A. Yes.</p>
---	--





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RECORD IDENTIFICATION

Records from:

MS. SARA MOTON
C/O STM CLINIC

Regarding:

04 54594 NZ 5

DONNA R. WILSON

VS.

DELPHI CORPORATION

RCS #: 03095151

APR 19 2005

Thank you:
We appreciate your order.

DISCLOSURE ACCOMPANIMENT/INFORMATION REQUESTED

Sara Terry-Matton
SIGNATURE

04/07/05
DATE

PROGRESS NOTES

LETTERS

DISCHARGE SUMMARY

MEDICAL INFORMATION

✓ PSYCHIATRIC EVALUATION

✓ CLIENT ASSESSMENT

PSYCHOLOGICAL TESTING

AFTERCARE PLAN

SENT TO: William R. Schulz, ESQ
313 S. Washington Sq.
Lansing MI 48933

BY: Sara Jerry-Newton, BCD
DATE: 04-07-05

CONFIDENTIAL

INITIAL PSYCHIATRIC EVALUATION

PATIENT BACKGROUND:

MR# W03M

Name: Donna Wilson

Age: 49 yrs.

Date of Birth: 09/23/1955

Date/Time of Evaluation: 12/02/04 @

Race: African American Gender: Female

Marital Status: Divorced

REASON FOR EVALUATION: Pt. was referred for evaluation & treatment of symptoms suggestive of anxiety & depression.

HISTORY OF PRESENT ILLNESS:

Major Presenting problem includes: Depression Thought Disorder Anxiety Attacks Hyperactivity Impulsivity Marital Problems Family Problems Vocational Problems Oppositionality Alcohol Abuse Drug Abuse Legal Problems Physical Abuse Sexual Abuse Suicidal Ideations Aggressive Ideations Other: Raped several yrs ago by an acquaintance

Current Symptomatology Includes: Poor Appetite Increased Appetite Loss in interests

Inappropriate Guilt Psychomotor Retardation Psychomotor Agitation Sleep Disturbance

Weight Gain Weight Loss Low Sexual Desire Hopelessness Worthlessness Nightmares

Flashbacks Intrusive thoughts about Traumatic Experiences Social Withdrawal Chest Pain

Shortness of Breath Palpitations Dizziness Excessive Sweating Paresthesias Muscle Aches

Cold Hands Gastrointestinal symptoms Dry Mouth Obsessions:

Compulsions:

Phobias:

Poor Concentration Lethargy Hallucinations:

Memory Problems Somatic Concerns Impotence Increased Irritability Anxiety Attacks

Hypervigilance Paranoia Chronic Pain Mood Swings Other: Crying spells

Recent Stressful Life Events: None

Married Engaged Separated Divorced Serious Argument Breakup of Important Relationship
Death in the Family Failing Health of Family Member Personal Injury and Illness Sexual Problems
Difficulty at School Difficulties at Work Retired Job Loss Changed Residencies Legal Problems
Financial Strain Recent Surgery Other:

COMMENTS AND PAST PSYCHIATRIC HISTORY: Pt. has experienced loss in the past but never grieved. She was raped several yrs ago but never dealt with the PTSD. She has never attempted suicide. She has never been on any psychotropic medications. She has never been hospitalized for psychiatric reasons. Further history is well documented in chart.

ALCOHOL AND ILLICIT DRUG ABUSE HISTORY: None

Smokes 1 pk/day

MEDICAL HISTORY: Allergies: NEPA

Health Problems: S/p Hypertension, Breast abscess, Arthritis, Nerves & obesity. Not on any medications

W1

FAMILY HISTORY: -ve for mental illness

PERSONAL & SOCIAL HISTORY: Relevant findings include: She was born raised in a Jewish home. Parents divorced when she was 10 yrs old. Then raised by her older half sister who passed away 6 yrs ago. Pt. got divorced 6 yrs ago. She has worked for GM for 29 yrs. Further details are well documented in chart & were reviewed

MENTAL STATUS EXAMINATION: Relevant findings include:

Affect: Sad & tearful Mood: Anxious & depressed
Suicidal Ideations Present ☒ No ☐ Yes Homicidal Ideations Present ☐ No ☐ Yes
Hallucinations Present ☐ No ☐ Yes Delusions Present ☐ No ☐ Yes
Reality Testing is: ☐ Good ☒ Fair ☐ Poor
Alert and Oriented To: ☒ Person ☐ Place ☐ Time ☐ Situation
Memory is: ☐ Intact ☒ Fairly Intact ☐ Poor ☐ Not tested
Cognition: ☐ Good ☒ Fair ☐ Impaired ☐ Poor
Judgement is: ☐ Good ☒ Fair ☐ Impaired ☐ Poor
Insight is: ☐ Good ☒ Fair ☐ Impaired ☐ Poor
Currently Harmful to Self: ☒ No ☐ Yes Currently Harmful to Others: ☐ No ☐ Yes

DSM-IV Diagnostic Impressions:

Axis I: Major Depression - recurrent - moderate. Anxiety disorders.

Axis II: Dependent Personality disorder

Axis III: Obesity & Osteoarthritis of knees

Axis IV: Problems at work, victim of rape, problems in social environment

Axis V: Current GAF is 59

RECOMMENDATIONS/TREATMENT PLAN:

- ① Lexapro 10 mg po qd for depression.
- ② Side effects & risks & benefit discussed w/pt. verbally consented.
- ③ Pt needs to continue weekly psychotherapy to address PTSD related issues & grieve the loss.
- ④ Supportive psychotherapy was provided.

PROGNOSIS: Guarded ☐ Poor ☐ Fair ☒ Good

RETURN TO CLINIC IN: 6-8 wks SIGNATURE: [Signature]

CONFIDENTIAL

STM CLINIC

ASSESSMENT

CLIENT NAME: Donna Wilson SERVICE CODE: 90801

DATE: 04-07-04 DATE: DATE:

CLIENT ID: (Include referral source) Donna is a 5'5", 258 lbs Afro American female. She is 49 yrs. old, divorced with four daughters. All in college except older one who is married, divorced, but living on own. She keeps daughters older son. Donna has 28 1/2 yrs. in Delphi steering plant.

PRESENTING PROBLEM (Include Client's own words) Donna was referred to us by her EAP due to her anxiety (excessive tearing & inability to talk about job threat of firing. She was on medical leave at the same time of walk-out by gr. at work. Donna was accused of being a part. upsetting stressors mainly situational. Cl's always found her work a refuge from other stressors she's experienced.

HISTORY OF PRESENTING PROBLEM: Donna is the youngest of 3 girls from her mother. She is the only child for her dad. Donna's relationship has always been strained in growing up w/mom. Dad would rescue her from being whipped by mother. Donna has devoted her life to her daughters rearing & her father.

(over for more? Y/N)

Sara Jerry-Maton, MSW, ACSW, CSW
Therapist Signature and Credential(s)

04/21/04
Date

STM CLINIC
MENTAL HEALTH & SUBSTANCE ABUSE SERVICES

MENTAL STATUS:

APPEARANCE

(MULTIPLE CHOICES OK)

ATTIRE & GROOMING:

1. appropriate ☒
2. inappropriate
3. meticulous
4. unusual
5. disheveled
6. dirty
7. _____

PHYSICAL CHARACTERISTICS

1. unremarkable
2. atypical

ADD: "With reference to physical APPEARANCE"

all overweight

BEHAVIOR: (Multiple Choice OK)

POSTURE

1. Erect
2. Stooped
3. rigid/tense
4. Relaxed
5. _____

BODY MOVEMENTS

1. Typical ☒
2. Accelerated
3. Slowed
4. Restless/fidgety
5. _____

SPEECH

1. Articulate ☒
2. Typical
3. Loud
4. Soft ☒
5. Slurred
6. Stammering
7. _____

RELATIONSHIP / CLINICIAN

1. Cooperative
2. Domineering
3. Submissive
4. Provocative
5. Suspicious
6. Uncooperative
7. _____

ADD: " With reference to Behavior"

THOUGHT PROCESS

FORM of thought processes: ☒ 1. Realistic ☐ 2. Unrealistic

(MULTIPLE CHOICE OK)

PROGRESSION of thought processes:

1. Spontaneous ☒
2. Slow
3. Vague
4. Cogent
5. Dream-Like
6. Echoialia
7. Stereotypic
8. Tangential
9. Associational

CONTENT of thought processes:

1. Appropriate ☒
2. Delusional
3. Depersonalizing
4. Paranoid
5. Dream-Like
- (Audio) 6. Hallucinatory
- (Visual) 7. Hallucinatory
8. Obsessive
9. Compulsive
10. Supertitious
11. Phobic
12. Hostile
13. Suicidal
14. Homicidal
15. _____

ADD "With regard for THOUGHT PROCESS.

"With reference to SUICIDAL or HOMICIDAL TENDENCIES IN SELF OR SIGNIFICANT OTHERS...

Donna (denies) (Admits) to (Thoughts) and (Intentions) of harm to self and others.
(ADD the clients data about thoughts/intentions)

(2)

MENTAL STATUS (Continues)

FEELINGS (MULTIPLE CHOICE OK)

GENERAL ATTITUDE

1. Cooperative ☒
2. Manipulative ☐
3. Evasive ☐
4. Hostile ☐
5. Resistive ☐
6. Ambivalent ☐
7. Withdrawn ☐
8. ☐

MOOD

1. Even ☐
2. Anxious ☐
3. Fearful ☒
4. Angry ☒
5. Depressed ☒
6. Elated ☐
7. Mixed ☒
8. ☐

AFFECT

1. Appropriate ☐
2. Blunted ☒
3. Flattened ☐
4. ☐

ADD: With regard for FEELINGS. . . . Cl crying excessively embarrassed
& angry.

INTELLIGENCE (ONE CHOICE)

INTELLIGENCE

1. Above average ☒
2. Average ☐
3. Below ☐
4. ☐

FORMULATE CONCEPTS

1. Able to ☒
2. Unable to ☐

MEMORY

- | | | |
|-----------|---|--------------------------------------|
| Immediate | 1. adequate <input checked="" type="checkbox"/> | 2. impaired <input type="checkbox"/> |
| Recent | 1. adequate <input checked="" type="checkbox"/> | 2. impaired <input type="checkbox"/> |
| Longterm | 1. adequate <input checked="" type="checkbox"/> | 2. impaired <input type="checkbox"/> |

MANAGE DAILY LIFE: ☒ 1. Able ☐ 2. Unable MAKE LIFE DECISIONS: ☐ 1. Able ☐ Unable
ORIENTATION ☒ 0-X-3; ☐ 2. Barely in contact ☐ 3. Out of Control
FUND OF KNOWLEDGE...r.t FUNCTIONAL LEVEL: ☒ 1. Adequate ☐ 2. Inadequate
DIGIT SPAN: 1. Above aver. ☐ 2. Average ☒ 3. Below aver. ☐ 4. Untested ☐

"With reference to ORIENTATION, MENTAL GRASP, AND CAPACITY.....

DEFENSE MECHANISMS:

- | | |
|--|---|
| <input type="checkbox"/> 1. Denial | <input type="checkbox"/> 7. Regression |
| <input type="checkbox"/> 2. Displacement | <input checked="" type="checkbox"/> 8. Repression |
| <input type="checkbox"/> 3. Interjection | <input type="checkbox"/> 9. Sublimation |
| <input checked="" type="checkbox"/> 4. Isolation | <input type="checkbox"/> 10. Undoing |
| <input type="checkbox"/> 5. Projection | |
| <input type="checkbox"/> 6. Reaction Formation | |

With regards to Mechanisms. Cl is a caretaker - co dependent
personality.

CHEMICAL USE HISTORY

SYMPTOMS: Tolerance Increase _____ Tolerance Decrease N/A Use of drink of more than intended _____ blackouts _____ excessive amount of time spent in drug related activities _____ one or more attempts to stop _____ withdrawal symptoms _____ continued to use despite negative consequences _____ use of drug of choice to remove withdrawal symptoms _____ paranoia _____ panic attacks _____ weight loss _____ liver problems _____ takes more and more of the drug to get high or drunk _____ problems due to drug use: Family _____ School _____ Work _____ Financial _____ Legal _____ Social _____

NOTE # 1 FOR PRIMARY SUBSTANCE

NOTE # 2 FOR SECONDARY SUBSTANCE

Where do you do most of your using? _____

With whom do you drink and drug? _____

Longest non-use period in the last six months? _____

Drug Category (Place (*) by Drug(s) of Choice)	Age First used	Maximum use, how much, how often	Current use, how much, how often	Date last used method of use
Prescription drugs, Percoset, Xanax, Darvon, Librium Valium, Darvocet	<u>D</u>			
Alcohol, Beer, Wine, Liquor	<u>34</u>	<u>Social Drinking 1 drink</u>		<u>1 yr. ago</u>
Marijuana, Pot, Hashish	<u>D</u>			
Amphetamines, Speed, Crystal meth, Diet Pills	<u>D</u>			
Opiates, Heroin, Dilaudid, Codeine, Talwin, Methadone	<u>D</u>			
Cocaine/Crack	<u>D</u>			
Hallucinogenics, LSD-Acid, PCP Mescaline, Mushrooms	<u>D</u>			
Barbituates, Sedatives, Thorazine Stelazine, Mellaril, Haldol	<u>D</u>			
Nicotine (Tobacco)	<u>23</u>	<u>quit f/ 15 yrs. at. front quit again in Jan. but back in March after being fired.</u>	<u>1 pkg a day</u>	
Caffeine (Coffee, tea, sodas, colas)			<u>Pop yes None Caffe</u>	

ORGANIZATION OF SYMPTOMS INTO DIAGNOSTIC PATTERNS

DEPRESSIVE SYMPTOMS:

Depressive mood consistently for:

- | | | |
|--|-----------------------------------|--|
| <input type="checkbox"/> Two Weeks | <input type="checkbox"/> 6 Months | |
| <input type="checkbox"/> Worries | <input type="checkbox"/> a.m. | <input type="checkbox"/> p.m. |
| <input checked="" type="checkbox"/> Loss of Pleasure | | <input type="checkbox"/> Increased indecisiveness |
| <input checked="" type="checkbox"/> Loss of Interest | | <input type="checkbox"/> Thoughts of death |
| <input type="checkbox"/> Weight Loss/Gain ___ lbs time ___ | | <input type="checkbox"/> Hopeless vs. helplessness |
| <input type="checkbox"/> Worthlessness | | <input checked="" type="checkbox"/> Low-self Esteem |
| <input type="checkbox"/> Excessive guilt | | <input checked="" type="checkbox"/> Terminal sleep disturbance |

-
- | | | | | |
|--|-----------------------------------|-----------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Suicidal thoughts | | | | |
| <input type="checkbox"/> Previous History | <input type="checkbox"/> Ideation | <input type="checkbox"/> Plan | <input type="checkbox"/> Attempts | |
| <input type="checkbox"/> Suicidality is: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input type="checkbox"/> Low | |
-

BEHAVIORAL SYMPTOMS:

- | | |
|---|--|
| <input type="checkbox"/> Psychomotor agitation | <input type="checkbox"/> Conflicts with others |
| <input checked="" type="checkbox"/> Psychomotor retardation | <input checked="" type="checkbox"/> Tearfulness |
| <input checked="" type="checkbox"/> Fatigue/Low energy | <input checked="" type="checkbox"/> Crying jags |
| <input type="checkbox"/> Conduct | <input checked="" type="checkbox"/> Work inhibition <i>go, don't want to</i> |
| <input type="checkbox"/> Socialized aggressive | <input type="checkbox"/> Undersocialized aggressive |

ANXIETY SYMPTOMS:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Feels nervous/anxious | <input type="checkbox"/> Chills |
| <input type="checkbox"/> R/O Caffeine/Stimulants | <input type="checkbox"/> Chest Pain |
| <input type="checkbox"/> Shortness of Breath | <input type="checkbox"/> Fear of dying |
| <input type="checkbox"/> Dizzy, faint, unsteady | <input type="checkbox"/> Fear of being crazy |
| <input type="checkbox"/> Heart palpitations | <input checked="" type="checkbox"/> Fear of being controlled |
| <input type="checkbox"/> Tremble/shake | <input checked="" type="checkbox"/> Fear of not being able to escape <i>of situation</i> |
| <input type="checkbox"/> Sweating | <input type="checkbox"/> Avoidance |
| <input type="checkbox"/> Choking | <input type="checkbox"/> Social Phobia <input type="checkbox"/> Simple Phobia <i>don't like company</i> |
| <input checked="" type="checkbox"/> Nausea/abdominal distress | <input type="checkbox"/> Obsessive compulsive <i>mostly family visits</i> |
| <input type="checkbox"/> Numbness/tingle | <input type="checkbox"/> Intrusive recurrent thoughts |
| <input checked="" type="checkbox"/> Sleep disturbance (initial) | <input type="checkbox"/> Repetitive unpurposeful behavior |
| <input type="checkbox"/> Insomnia (difficulty getting to sleep) | <input type="checkbox"/> Behavior neutralizes anxiety |
| <input type="checkbox"/> Hypersomnia-Hyperphagia | <input type="checkbox"/> Exaggerated startle response |
| <input type="checkbox"/> Flushes | <input type="checkbox"/> Check for PTSD Syndrome |

DIAGNOSTIC IMPRESSION: (Summary of clinical impressions regarding problems, level of insight/motivation, factors negatively/positively affecting treatment, etc.)

Donna has experienced several traumatic events in her life. She comes from a situation wherein being her father's only child, dad is independent but very dependent upon her, close relationship. She was in an abusive relationship, divorcing spouse & raising 4 daughters; started a relationship w/a man who raped & tried to kill her; sister who was a mother figure died & being off work to care for her father, being accused of walking off job w/ other Wild Cat Strickers was the breaking point. ¹³ Ch a job had been her refuge from all other problems. She loved her job & find what she was accused of repulsive & an affront to her. W7

Strength: Good character

Weakness: No recreational activities, workaholic

AXIS I: Primary code 300.02 Generalized Anxiety Disorder

Justification: Excessive worry, unable to control. Restlessness un-
able to relax, on edge. Irritability. Muscle tensions. Sleep dis-
turbances. Sweating excessively.

Secondary code 309.81 Post Traumatic Disorder

Justification: Having two prior experiences of traumatic stressful
events. Recurrence of a threat to losing job, not just security,
but the only present outlook for her life.

AXIS II CODE: V71. No DX (Co-Dependent Features)
(Personality and Development Disorders or V Codes)

AXIS III: (Physical issues) Swelling in knees; Lumps-Breast

AXIS IV: PSYCHOSOCIAL STRESSOR (S)	Severity #	acute/enduring
<u>Divorce</u>		<u>4</u>
<u>Sister's Death</u>		<u>4</u>
<u>Abusive relationships</u>		<u>4</u>
<u>job lost threat</u>	<u>4</u>	

AXIS V: GAF CURRENT GAF 59 HIGHEST PAST YEAR 75

PROGNOSIS: Good, but guarded.

STM CLINIC

SESSION TRACKING SHEET

Patient Name Donna Wilson Insured Name Donna Wilson
Therapist Name Sara Jerry-Morton Insured SSN 363-64-4731
Case manager -A-
EAP -O-

CONNECTICUT GENERAL

First 12 Sessions			Next 12 Sessions			Last 11 Sessions		
Date of Session	Patient Pays	Paid	Date of Session	Patient Pays	Paid	Date of Session	Patient Pays	Paid
1) 4-7-04		Pd	13) 07-08-04			25) 12-02-04		
2) 4-14-04		Pd	14) 07-21-04			26) 12-22-04		
3) 4-21-04		Pd	15) 8-4-04			27) 1-6-05		
4) 5-6-04			16) 8-11-04			28) 1-19-05		
5) 5-12-04			17) 8-25-04			29) 2-2-05		
6) 5-18-04			18) 9-8-04			30) 2-23-05		
7) 5-25-04			19) 9-22-04			31) 3-3-05		
8) 6-02-04			20) 10-06-04			32) 3-16-05		
9) 06-09-04			21) 10-20-04			33) 4-6-05		
10) 06-16-04			22) 11-3-04			34) 4-27-05		
11) 06-23-04			23) 11-17-04			35) 5-10-05		
12) 06-30-04			24) 11-23-04					

1. Authorization Period 4-7-04 to 10-31-04
2. Authorization Period 8-26-04 to 12-31-04
3. Authorization Period 1-1-05 to 6-30-05
4. Authorization Period _____ to _____
5. Authorization Period _____ to _____

No. Sessions 15+1 Sherika
No. Sessions 9 Bernard
No. Sessions 12 Jane (1 add. 2004)
No. Sessions _____
No. Sessions _____

STM CLINIC

SESSION TRACKING SHEET

Patient Name Donna Wilson Insured Name Donna Wilson
Therapist Name Sara Jerry-Motow Insured SSN 363-64-4731
Case manager -0-
EAP -0-

CONNECTICUT GENERAL

First 12 Sessions			Next 12 Sessions			Last 11 Sessions		
Date of Session	Patient Pays	Paid	Date of Session	Patient Pays	Paid	Date of Session	Patient Pays	Paid
1) <u>6-7-05</u>			13)			25)		
2) <u>6-16-05</u>			14)			26)		
3) <u>6-21-05</u>			15)			27)		
4) <u>7-13-05</u>			16)			28)		
5)			17)			29)		
6)			18)			30)		
7)			19)			31)		
8)			20)			32)		
9)			21)			33)		
10)			22)			34)		
11)			23)			35)		
12)			24)					

- Authorization Period 6-22-05 to 12-31-05 No. Sessions 8 Marnie
- Authorization Period _____ to _____ No. Sessions _____
- Authorization Period _____ to _____ No. Sessions _____
- Authorization Period _____ to _____ No. Sessions _____
- Authorization Period _____ to _____ No. Sessions _____

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

DELPHI CORPORATION, et al.

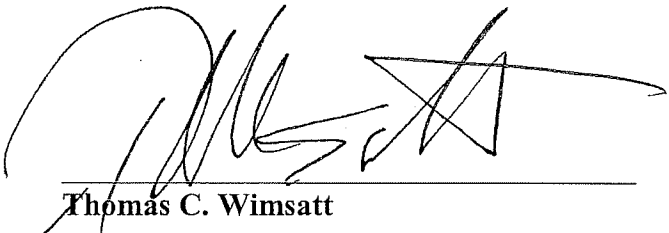
Debtors.

Chapter 11
Case No. 05-44481 (RDD)
(Jointly Administered)

PROOF OF SERVICE

The undersigned certifies that a true copy of Supplemental Response of Donna Wilson, Proof of Claim Number 12083 was served upon those in the attached list via overnight delivery on January 17, 2007.

I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.



Thomas C. Wimsatt

U.S. Bankruptcy Court
for the Southern District of New York
One Bowling Green
New York, NY 10004

Honorable Robert D. Drain
United States Bankruptcy Judge
for the Southern District of New York
One Bowling Green, Room 610
New York, NY 10004

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